DEPARTMENT OF HOMELAND SECURITY

8 CFR Part 264

[CIS No. 2810–25; DHS Docket No. USCIS–2025–0004]

RIN 1615–AC96

Alien Registration Form and Evidence of Registration

AGENCY: U.S. Citizenship and Immigration Services (USCIS), Department of Homeland Security (DHS).

ACTION: Final rule with request for comments.

SUMMARY: On March 12, 2025, DHS issued an interim final rule (IFR) with request for comments amending DHS regulations to designate a new registration form for aliens to comply with statutory alien registration and fingerprinting provisions. Unregistered aliens may use this general registration form to satisfy their statutory obligations. This final rule responds to public comments, amends DHS regulations to adjust the lists of forms and processes that may serve as registration forms and evidence of alien registration, and seeks comments on other potential changes to the regulations relating to alien registration and fingerprinting.

DATES: This final rule is effective on June 29, 2026.

Comment period for solicited comments: Comments on the other potential changes relating to alien registration and fingerprinting described in section V, Request for Comments, of this preamble must be submitted on or before August 28, 2026.

ADDRESSES: *Comment period for solicited additional comments:* You may submit comments on the specific issues identified in section V, Request for Comments, of this preamble via Federal eRulemaking Portal at *https://www.regulations.gov,* to DHS Docket Number USCIS–2025–0004. Follow the website instructions for submitting comments.

Comments submitted in a manner other than via *https://www.regulations.gov,* including emails or letters sent to the Department's officials, will not be considered and may not receive a response from the Department. Please note that the Department cannot accept any comments that are hand-delivered or couriered. In addition, the Department cannot accept comments contained on any form of digital media storage, such as CDs, DVDs, or USB drives. The Department is not accepting mailed comments at this time. If you cannot submit your comment by using *https://www.regulations.gov,* please contact John R. Pfirrmann-Powell, Acting Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security, by telephone at (240) 721–3000 for alternate instructions.

FOR FURTHER INFORMATION CONTACT: Branch Chief, Residence and Admissibility Branch, Residence and Naturalization Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, 5900 Capital Gateway Drive, Camp Springs, MD 20746; telephone (240) 721–3000 (not a toll-free call).

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Table of Abbreviations

APA—Administrative Procedure Act
ADIT—Alien Documentation Identification and Telecommunication
ARR—Alien Registration Requirement
ASC—USCIS Application Support Center
BCC—Border Crossing Card
BIA—Board of Immigration Appeals
CBP—U.S. Customs and Border Protection
CFR—Code of Federal Regulations
CPI–U—Consumer Price Index for All Urban Consumers
CRCL—DHS Office for Civil Rights and Civil Liberties
DACA—Deferred Action for Childhood Arrivals
DHS—Department of Homeland Security
DOJ—U.S. Department of Justice
DOL—U.S. Department of Labor
EAD—Employment Authorization Document
ELIS—Electronic Immigration System
E.O.—Executive Order
EOIR—Executive Office for Immigration Review
EWI—Entered Without Inspection
FAM—Foreign Affairs Manual
FBI—Federal Bureau of Investigation
FISMA—Federal Information Security Modernization Act
FOIA—Freedom of Information Act
FR—Federal Register
HHS—U.S. Department of Health and Human Services
HSA—Homeland Security Act
ICE—U.S. Immigration and Customs Enforcement
ID—Identification Card
IFR—Interim Final Rule
IIRIRA—Illegal Immigration Reform and Immigrant Responsibility Act
INA—Immigration and Nationality Act
INS—Immigration and Naturalization Service
IRCA—Immigration Reform and Control Act
IT—Information Technology
LPR—Lawful Permanent Resident
NATO—North Atlantic Treaty Organization
NEPA—National Environment Policy Act
NPRM—Notice of Proposed Rulemaking
NSEERS—National Security Entry-Exit Registration System
NTA—Notice to Appear
OHSS—Office of Homeland Security Statistics
OIRA—Office of Information and Regulatory Affairs
OMB—Office of Management and Budget
ORR—Office of Refugee Resettlement
PIA—Privacy Impact Assessment
PRA—Paperwork Reduction Act
Pub. L.—Public Law
RFA—Regulatory Flexibility Act
SAW—Special Agricultural Worker
SBREFA—Small Business Regulatory Enforcement Fairness Act
Secretary—Secretary of Homeland Security
SIJ—Special Immigrant Juvenile
SORN—System of Record Notice
SSN—Social Security Number
State—U.S. Department of State
TPS—Temporary Protected Status
TVPA—Trafficking Victims Protection Act
TVPRA—William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008
TTP—Trusted Traveler Programs
UAC—Unaccompanied Alien Child
UMRA—Unfunded Mandates Reform Act
U.S.C.—United States Code
USCIS—U.S. Citizenship and Immigration Services
VAWA—Violence Against Women Act
VTVPA—Victims of Trafficking and Violence Protection Act

Public Participation

Instructions for providing comments are in the **ADDRESSES** caption.

Interested persons are invited to submit comments on the specific issues identified in section V, Request for Comments, of this preamble by submitting relevant written data, views, comments, and arguments by the deadline stated in the **DATES** caption. To provide the most assistance to DHS, comments should explain the reason for any recommendation and include data, information, or authority that supports the recommended course of action. Comments must be submitted in English, or an English translation must be provided. Comments submitted in a manner other than pursuant to the instructions, including emails or letters sent to the Department's officials, will not be considered comments on the rule and may not receive a response from the Department.

Privacy: You may wish to consider limiting the amount of personal information that you provide in any public comment submission you make to the Department. The Department may withhold information provided in comments from public viewing that they determine may impact the privacy of an individual or is offensive. For additional information, please read the Privacy and Security Notice at *https://www.regulations.gov.*

Docket: For access to the docket and to read background documents or comments received, go to *https://www.regulations.gov,* referencing DHS Docket No. USCIS–2025–0004. You may also sign up for email alerts on the online docket to be notified when additional documents are added to the docket.

I. Executive Summary

A. Basis and Purpose

On March 12, 2025, DHS issued an IFR with request for comments. *See* 90 FR 11793 (Mar. 12, 2025). The IFR was effective on April 11, 2025. The IFR amended DHS regulations to designate a new registration form for aliens to comply with the statutory alien registration and fingerprinting provision. The IFR partially implemented section 7 of the Executive Order (E.O.) 14159, Protecting the American People Against Invasion (Jan. 20, 2025), 90 FR 8443 (Jan. 29, 2025), which directed the Secretary of Homeland Security (Secretary), among other things, to take appropriate action to ensure that all previously unregistered aliens in the United States comply with the statutory registration requirements.

After careful consideration of the public comments submitted in connection with the IFR, DHS is finalizing the IFR and making additional procedural and technical modifications to the regulatory text at 8 CFR 264.1 in response to the public comments. The rationale for the changes provided to 8 CFR 264.1 in the IFR and the reasoning provided in the IFR's preamble remain valid, except as distinguished in this final rule.

The purpose of this final rule remains the same as articulated throughout the IFR: to improve the registration outcomes for certain groups of aliens to better ensure that all previously unregistered aliens in the United States comply with the statutory requirements in sections 261 through 266 of the Immigration and Nationality Act (INA), 8 U.S.C. 1301 through 1306. The IFR filled a gap in the DHS regulatory regime by prescribing a registration form available to all aliens regardless of their status and corresponding evidence as proof of that registration. This final rule adopts the IFR as final. The rule improves DHS law enforcement efficacy, making it easier and safer for DHS to enforce the law by providing more comprehensive information about the location of aliens in the United States. Additionally, increased compliance with fingerprinting requirements will provide DHS with additional information about an alien's criminal record, including whether the alien is a known or suspected terrorist.

The final rule also makes additional technical corrections in the existing regulations to replace the name, description, and number of certain forms in 8 CFR 264.1(a) and (b) that have evolved or changed over time, eliminates references to certain long-

expired forms that aliens cannot use to register, and prescribes some additional forms as evidence of registration. The final rule also makes technical amendments and corrections to the fingerprinting waiver provisions of 8 CFR 264.1(e) and 8 CFR 264.1(g) related to the registration requirement of aliens who turn 14 years, as well as the provisions of 8 CFR 264.5(h) relating to temporary evidence of registration and lawful permanent resident (LPR) status. Finally, the rule makes technical corrections to 8 CFR 264.6. These changes reduce confusion and improve the usability of the revised provisions. These technical amendments and corrections do not substantively impact the regulated public.

B. Legal Authority

The authority for the Secretary to issue this final rule is found in various provisions of the INA, 8 U.S.C. 1101 *et seq.,* including section 103(a) of the INA, 8 U.S.C. 1103(a), which authorizes the Secretary to administer and enforce the immigration laws and establish such regulations as the Secretary deems necessary for carrying out such authority. The authority is furthermore found in sections 262 through 266 of the INA, 8 U.S.C. 1302 through 1306, which govern the registration of aliens and authorizes the Secretary to prepare forms for registration and fingerprinting of aliens. Section 102(a)(3) of the Homeland Security Act of 2002 (HSA), 6 U.S.C. 112(a)(3), vests all functions of all DHS officers, employees, and organizational units in the Secretary. *See also* 6 U.S.C. 202, 271; INA sec. 214(a)(1), 8 U.S.C. 1184(a)(1).

C. Summary of the Changes From the Interim Final Rule to the Final Rule

Following careful consideration of the public comments received in response to the IFR, this final rule makes additional changes to DHS's registration and fingerprinting regulations. DHS is not seeking public comments on these changes. DHS is taking the following actions in this final rule:

- Adopting the changes to 8 CFR 264.1(a) and (b) made by the IFR as final. DHS is adopting as final the IFR's amendments to 8 CFR 264.1(a) and (b) without change. The IFR added to the list of prescribed registration forms in the table of 8 CFR 264.1(a) a reference to the Form G–325R, Biographic Information (Registration). The IFR also added to the list of evidence of registration in the table of 8 CFR 264.1(b) the USCIS Proof of Alien G–325R Registration.
- Revising the table in 8 CFR 264.1(a) by removing the entries related to the I–67, Inspection Record—Hungarian refugees (Act of July 25, 1958), I–691, Notice of Approval for Status as a Temporary Resident, and I–700, Application for Status as a Temporary Resident.
- Revising the tables in 8 CFR 264.1(a) and (b) by updating the Arrival-Departure Record Form Number and Class. In 8 CFR 264.1(a) and (b), DHS is adding Form I–94A/94W to the item for the Form I–94. DHS is also removing in 8 CFR 264.1(a) and (b) the entry referring to the class of ''aliens whose claimed entry prior to July 1, 1924, cannot be verified, they having satisfactorily established residence in the United States since prior to July 1, 1924.''
- Revising the table in 8 CFR 264.1(a) by updating the entry relating to Form I–181, Memorandum of Creation of Record of Lawful Permanent Residence. In 8 CFR 264.1(a), DHS is revising the class to ''aliens born to an alien lawfully admitted for permanent residence during a temporary visit abroad admitted without a visa under 8 CFR 211.1(b).''
- Revising the table in 8 CFR 264.1(a) by updating the entry relating to Form I–485 and the Adjustment of Status Form Title. In 8 CFR 264.1(a), DHS is revising the form title for Form I–485 to ''Application to Register Permanent Residence or Adjust Status, or its predecessor or successor form.''
- Revising the table in 8 CFR 264.1(a) by updating the form title and class of alien of the Form I–590. In 8 CFR 264.1(a), DHS is revising the form title and class of alien of Form I–590 to read as ''Form I–590, Registration for Classification as Refugee or its successor form, or its predecessor form—Applicants under section 207 of the INA and Refugee-escapees paroled pursuant to section 1 of the Act of July 14, 1960.''
- Revising the table of 8 CFR 264.1(a) by updating the entry relating to Form I–817, Application for Voluntary Departure under the Family Unity Program. In 8 CFR 264.1(a), DHS is revising the form title of Form I–817 to ''Application for Family Unity Benefits or its successor form, or its predecessor form.''
- Revising the table in 8 CFR 264.1(b) by removing the references to Form I–185, Nonresident Alien Canadian Border Crossing Card, and Form I–186, Nonresident Alien Mexican Border Crossing Card. DHS is removing the form numbers and titles of the Canadian Border Crossing Card (BCC) and the Mexican BCC and adding Form DSP–150, B–1/B–2 Visa and Border Crossing Card or its successor form, or its predecessor form in 8 CFR 264.1(b).
- Amending the table in 8 CFR 264.1(b) by adding Form I–860, Notice and Order of Expedited Removal, and Form I–871, Notice of Intent/Decision to Reinstate Prior Order and the class of aliens for each form. DHS is adding ''Form I–860, Notice and Order of Expedited Removal'' with the class of aliens who have been determined to be inadmissible under section 212(a)(6)(C) or (7) of the Immigration and Nationality Act, as amended, and ordered removed under section 235(b)(1) of the Immigration and Nationality Act, as amended, and ''Form I–871, Notice of Intent/Decision to Reinstate Prior Order'' with the class of aliens who reentered the United States illegally and whose prior order of removal has been reinstated under section 241(a)(5) of the Immigration and Nationality Act, as amended, as evidence of registration in 8 CFR 264.1(b).
- Amending the table in 8 CFR 264.1(b) by removing ''Form'' from the entry relating to the I–862, Notice to Appear, and the I–863, Notice of Referral to Immigration Judge.
- Amending the table in 8 CFR 264.1(b) by adding ''CBP-approved document or its electronic equivalent for the Trusted Traveler Programs NEXUS, SENTRI, FAST, and Global Entry—Aliens who were last admitted to the United States through NEXUS, SENTRI, FAST, or Global Entry facilitated processing.''
- Amending 8 CFR 264.1(e)(1) relating to fingerprint waiver. DHS is removing the language waiving the fingerprinting requirements for ''nonimmigrant aliens admitted as foreign government officials and employees; international organization representatives, officers and employees'' from 8 CFR 264.1(e)(1) and adding reference to 22 CFR 41.26(a)(2) and section 101(a)(11) of the Immigration and Nationality Act to describe aliens who are holders of diplomatic visas. Additionally, DHS is also adding language to clarify that the attendants, servants, or personal employees of North Atlantic Treaty Organization (NATO) representatives, officers, and employees (NATO–7 nonimmigrants) are not themselves eligible for the waiver because they are not and have never been classified as NATO representatives, officers, or employees.
- Restructuring paragraph (e) of 8 CFR 264.1 to separate the three fingerprint waivers into three paragraphs and adding ''she'' or ''her'' where appropriate.
- Amending 8 CFR 264.1(g) to add ''or by law'' after ''under the Act.''

• Amending paragraph (g)(1) of 8 CFR 264.1(g) to clarify that an LPR who reaches 14 years old must apply for registration in accordance with the applicable form instructions and with the fee specified in 8 CFR 106.2 to replace a permanent residence card within 30 days of the alien's return to the United States; to remove the requirement of a physical photograph when applying for registration; to remove ''if a lawful permanent resident of the United States in the second sentence of the provision; and to add ''she'' or ''her'' where appropriate.

• Amending 8 CFR 264.5(h) to state that USCIS may issue temporary evidence of registration and LPR status to an alien who is a ''lawful permanent resident or conditional permanent resident alien who has properly filed an application for a replacement permanent resident card or for naturalization, petitioned for the removal of the conditions on his or her residence using the form prescribed by USCIS, or as otherwise determined by USCIS in accordance with the form instructions.'' In 8 CFR 264.5(h), DHS is also clarifying that the temporary evidence of registration placed by USCIS in the alien's passport does not need to be surrendered to USCIS by the alien when the alien is issued a new Form I–551.

• Amending 8 CFR 264.6 related to the application for a nonimmigrant arrival-departure record. DHS is amending regulations in 8 CFR 264.6 by making technical editorial updates to remove obsolete regulatory references.

While DHS did not impose a fee as part of the IFR, DHS requested comments on adding a potential biometric services fee per registrant of $30. After careful consideration of the comments received, DHS has determined that it will not, at this time, impose a biometric services fee, but may impose an application or biometric services fee in the future.

Additionally, within the IFR, DHS requested comments on the Office of Management and Budget (OMB)-approved Form G–325R, Biographic Information (Registration), for purposes of the 60-day **Federal Register** Notice under the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 *et seq. See* 90 FR 11793, 11799 (Mar. 12, 2025). The comment period for purposes of the PRA ended on May 12, 2025. Any public comment received on Form G–325R as a result of the IFR has been responded to in the 30-day **Federal Register** Notice published for purposes of obtaining OMB approval of Form G–325R [1] on August 11, 2025, at 90 FR 38655. The information collection instrument with instructions and additional supporting documents, including responses to comments submitted as part of the 60-day **Federal Register** Notice, can be accessed by visiting the Federal eRulemaking Portal site at: *https://www.regulations.gov* under Docket ID number USCIS–2025–0005.

D. Request for Comments on Potential Future Changes

In section V of this preamble, DHS solicits comments on certain potential amendments throughout the existing regulation in 8 CFR part 264 to improve usability and reduce the need for conforming changes in future rules. Potential future amendments for which DHS is seeking comments include:

• Prescribing additional registration forms, including but not limited to Form I–90, Application to Replace Permanent Resident Card, Form I–539, Application to Extend/Change Status, and Form I–589, Application for Asylum and Withholding of Removal.

• Eliminating certain prescribed evidence of Alien Registration forms from 8 CFR 264.1(b), such as Form I–766, Employment Authorization Document;

• Updating the classes of aliens for whom Form I–94 constitutes evidence of Registration under 8 CFR 264.1(b).

• Issuing evidence of registration prior to the adjudication of related benefit requests.

• Updating and clarifying edits related to the waiver of fingerprinting requirements in 8 CFR 264.1(e).

E. Severability

In issuing this final rule, it is DHS's intention that the rule's various provisions be considered severable from one another to the greatest extent possible. If a court of competent jurisdiction were to hold that any of the provisions amended were not to be applied to a particular category of individuals or circumstances, DHS would intend for the court to leave the remainder of the rule in place with respect to all covered persons and circumstances. DHS's overarching goal is to improve the registration outcomes of aliens not previously registered consistent with the provisions of the INA.

F. Benefits and Costs

This rule makes available another method for aliens to comply with the alien registration requirements of the INA. The rule does not impose new registration or fingerprinting obligations separate from the obligations already contained in the INA. The rule provides benefits by providing a general registration option to allow unregistered aliens to comply with their registration requirements and improve DHS enforcement. DHS recognizes that there are costs to aliens to comply with registration requirements in the INA. Because this rule does not impose new alien registration or biometric obligations separate from those already contained in the INA, the costs are inherent to compliance with the statute and are not a result of this rule. This rule may result in increased compliance costs for aliens that use this option. Costs to aliens may include the time to complete and file a registration form, as well as time spent traveling to an ASC, submitting fingerprints, and record retention. There is currently no fee for applicants to file the form or to submit biometrics. This rule may increase costs to DHS from additional alien registrations resulting from this rule. DHS estimates current registration and biometrics submissions under this rule have cost aliens approximately $21.3 million, as of May 7, 2026. The estimated burden to the Agency is $0.6 million from collecting and processing biometrics. DHS has considered the possibility that this rule, perhaps in combination with other policies, could have some indirect effects, such as increased legal costs for those who choose to seek legal assistance and potential workforce impacts. We do not have sufficient information to quantify these effects.Table 1 provides a summary of the regulatory changes and the estimated costs and benefits associated with the expected impacts.

[1] DHS had requested, and OMB approved, Form G–325R on an emergency review basis pursuant to 44 U.S.C. 3507(j) and 5 CFR 1320.13, on March 5, 2025. *See* Notice of Action for OMB Control Number 1615–0166 (Mar. 5, 2025), *https://www.reginfo.gov*. The information collection was submitted to OMB on August 22, 2025 and is pending OMB approval.

TABLE 1—SUMMARY OF ESTIMATED IMPACTS OF THE RULE, FY 2025

Summary of the change to provision	Expected impact of the rule
Amend existing regulations to make available another method for aliens to comply with the alien registration requirements of the INA.	*Quantitative:* *Benefits* • None. *Costs* • $21.3 million to aliens in registration costs. • $0.6 million to USCIS in biometric costs. *Qualitative:* *Benefits* • The rule is expected to result in increased alien registrations that are consistent with provisions of the INA. *Costs* • Technical changes are expected to have a *de minimis* effect on costs. • Indirect costs of the rule may include increased legal costs for those who choose to seek legal assistance and potential workforce impacts. Public comments identified these and other potential indirect effects, which are difficult to quantify.

Source: USCIS analysis.

II. Background

A. Alien Registration Requirements of the Immigration and Nationality Act

The Alien Registration Act of 1940, also known as the Smith Act, was enacted into law on June 28, 1940.[2] The Smith Act generally required all aliens in the country beyond 30 days to apply to register and to be fingerprinted. Congress later incorporated these requirements, as amended, in the Immigration and Nationality Act of 1952, Public Law 82–414, 66 Stat. 163. The registration and fingerprinting requirements currently appear, as amended, in part VII of subchapter II of chapter 12 of title 8, United States Code (8 U.S.C. 1301 through 1306). Throughout this preamble, we refer to such requirements as the alien registration requirements or the alien registration requirements of the INA.

Under the alien registration requirements of the INA, with limited exceptions (*e.g.,* for visa holders who have already been registered and fingerprinted (through their application for a visa) and A and G visa holders),[3] all aliens above the age of 14 who remain in the United States for 30 days or longer must apply for registration and be fingerprinted before the expiration of 30 days. *See* INA sec. 262(a), 8 U.S.C. 1302(a). Similarly, parents and legal guardians must ensure that their children below the age of 14 are registered. *See* INA sec. 262(b), 8 U.S.C. 1302(b). Within 30 days of reaching his or her 14th birthday, the alien child must ''apply in person for registration and to be fingerprinted.'' *Id.* The Secretary may, in his discretion and on the basis of reciprocity pursuant to such regulations as he may prescribe, waive the requirement of fingerprinting specified in section 262(a) and (b) of the INA, 8 U.S.C. 1302(a) and (b), in the case of any nonimmigrant. *See* INA sec. 262(c), 8 U.S.C. 1302(c). As discussed in the next section, the Secretary has exercised this discretion with respect to certain nonimmigrants.

An alien's willful failure or refusal to apply to register or to be fingerprinted is punishable by a fine of up to $5,000 or imprisonment for up to 6 months, or both.[4] The same applies to an alien's parent or legal guardian's willful failure or refusal to register. *See* INA sec 266(a), 8 U.S.C. 1306(a). Any alien or any parent or legal guardian of an alien who files a registration application ''containing statements known by him to be false, or who procures or attempts to procure registration of himself or through another person by fraud'' is subject to criminal prosecution. *See* INA sec. 266(c), 8 U.S.C. 1306(c). *See, e.g.,* 18 U.S.C. 1001, 1546. A conviction for fraudulent registration constitutes a ground of removal under section 237(a)(3)(B)(i) of the INA, 8 U.S.C. 1227(a)(3)(B)(i).

The Secretary has authority to ''prepare forms for the registration and fingerprinting of aliens,'' which ''shall contain inquiries with respect to (1) the date and place of entry of the alien into the United States; (2) activities in which he has been and intends to be engaged; (3) the length of time he expects to remain in the United States; (4) the police and criminal record, if any, of such alien; and (5) such additional matters as may be prescribed.'' *See* INA sec. 264(a), 8 U.S.C. 1304(a). The Secretary also has authority to prescribe ''special regulations and forms for the registration and fingerprinting of'' certain classes of aliens, including ''aliens of any other class not lawfully admitted to the United States for permanent residence,'' ''[n]otwithstanding the provisions of'' sections 261 and 262 of the INA, 8 U.S.C. 1301 and 1302. *See* INA sec. 263(a), 8 U.S.C. 1303(a). Although this rule is fully consistent with sections 261 and 262 of the INA, 8 U.S.C. 1301 and 1302 and related authority, the Secretary also invokes section 263(a) of the INA, 8 U.S.C. 1303(a) to the extent necessary to support this rulemaking.

Every alien in the United States who has been registered and fingerprinted under the alien registration requirements of the INA must ''be issued a certificate of alien registration or an alien registration receipt card in such form and manner and at such time as shall be prescribed under regulations issued by the [Secretary].'' [5] Every registered alien 18 years of age and over must at all times carry and have in his or her personal possession any certificate of alien registration or alien registration receipt card. Noncompliance is a misdemeanor punishable by a fine of up to $5,000 or imprisonment for not more than 30 days, or both. *See* INA sec. 266(b), 8

[2] *See* Public Law 76–670, 54 Stat. 670 (June 28, 1940).

[3] *See* INA sec. 221(b), 8 U.S.C. 1201(b).

[4] *See* INA sec. 266(a), 8 U.S.C. 1306(a). 8 U.S.C 1306(a) refers to a fine of up to $1,000, but the general fine provisions of 18 U.S.C. 3571 supersede that language. As a class B misdemeanor, the applicable fine is not more than $5,000. *See* 18 U.S.C. 3559(a)(7).

[5] *See* INA sec. 264(d), 8 U.S.C. 1304(d). As of March 1, 2003, in accordance with section 1517 of title XV of the HSA, Public Law 107–296, 116 Stat. 2135, any reference to the Attorney General in a provision of the INA describing functions that were transferred from the Attorney General or other DOJ official to DHS by the HSA ''shall be deemed to refer to the Secretary'' of Homeland Security. 6 U.S.C. 557 (2003) (codifying HSA, title XV, sec. 1517); 6 U.S.C. 542 note; 8 U.S.C. 1551 note.

U.S.C. 1306(b); 18 U.S.C. 3559(a)(8), 3571(b)(6).

Finally, each alien required to be registered under the alien registration requirements of the INA who is within the United States must notify DHS in writing of each change of address and new address within 10 days from the date of such change and provide such additional information as the Secretary may require by regulation. *See* INA sec. 265(a), 8 U.S.C. 1305(a). Noncompliance is a misdemeanor punishable by a fine of up to $5,000 or imprisonment for not more than 30 days, or both. In addition, any alien who has failed to comply with the change-of-address notification requirements of 8 U.S.C. 1305 is removable unless the alien establishes that such failure was reasonably excusable or was not willful. *See* INA sec. 237(a)(3)(A), 8 U.S.C. 1227(a)(3)(A).

B. Regulations Prior to the 2025 IFR

Longstanding regulations provide that within 30 days after reaching the age of 14 years old, an alien in the United States who is not exempt from alien registration must apply for registration and fingerprinting, unless fingerprinting is waived under 8 CFR 264.1(e),[6] in accordance with applicable form instructions. *See* 8 CFR 264.1(g).

If such alien is an LPR of the United States and is temporarily absent from the United States when he or she reaches the age of 14, the alien must apply for registration and provide a photograph within 30 days of his or her return to the United States in accordance with applicable form instructions. *See* 8 CFR 264.1(g)(1). The alien, if an LPR of the United States, must surrender any prior evidence of alien registration. *Id.*

DHS regulations prescribe forms that satisfy the alien registration requirements. *See* 8 CFR 264.1(a). The regulations also designate certain forms as constituting evidence of registration. *See* 8 CFR 264.1(b).

Before the IFR added Form G–325R, 8 CFR 264.1(a) identified the following forms as registration forms:

- I–67, Inspection Record—Hungarian refugees (Act of July 25, 1958).
- I–94, Arrival-Departure Record—Aliens admitted as nonimmigrants;[7] aliens paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act; aliens whose claimed entry prior to July 1, 1924, cannot be verified, they having satisfactorily established residence in the United States since prior to July 1, 1924; aliens lawfully admitted to the United States for permanent residence who have not been registered previously; aliens who are granted permission to depart without the institution of deportation proceedings or against whom deportation proceedings are being instituted.
- I–95, Crewmen's Landing Permit—Crewmen arriving by vessel or aircraft.
- I–181, Memorandum of Creation of Record of Lawful Permanent Residence—Aliens presumed to be lawfully admitted to the United States under 8 CFR 101.1.
- I–485, Application for Status as Permanent Resident—Applicants under sections 245 and 249 of the Immigration and Nationality Act as amended, and section 13 of the Act of September 11, 1957.
- I–590, Registration for Classification as Refugee—Escapee—Refugee-escapees paroled pursuant to section 1 of the Act of July 14, 1960.
- I–687, Application for Status as a Temporary Resident—Applicants under section 245A of the Immigration and Nationality Act, as amended.
- I–691, Notice of Approval for Status as a Temporary Resident—Aliens adjusted to lawful temporary residence under 8 CFR 210.2 and 245A.2.
- I–698, Application to Adjust Status from Temporary to Permanent Resident—Applicants under section 245A of the Immigration and Nationality Act, as amended.
- I–700, Application for Status as a Temporary Resident—Applicants under section 210 of the Immigration and Nationality Act, as amended.
- I–817, Application for Voluntary Departure under the Family Unity Program.[8]

Before the IFR added ''USCIS Proof of Alien G–325R Registration,'' 8 CFR 264.1(b) listed the following forms as constituting evidence of registration:

- I–94, Arrival-Departure Record—Aliens admitted as nonimmigrants; aliens paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act; aliens whose claimed entry prior to July 1, 1924, cannot be verified, they having satisfactorily established residence in the United States since prior to July 1, 1924; and aliens granted permission to depart without the institution of deportation proceedings.
- I–95, Crewmen's Landing Permit—Crewmen arriving by vessel or aircraft.
- I–184, Alien Crewman Landing Permit and Identification Card—Crewmen arriving by vessel.
- I–185, Nonresident Alien Canadian Border Crossing Card—Citizens of Canada or British subjects residing in Canada.
- I–186, Nonresident Alien Mexican Border Crossing Card—Citizens of Mexico residing in Mexico.
- I–221, Order to Show Cause and Notice of Hearing—Aliens against whom deportation proceedings are being instituted.
- I–221S, Order to Show Cause, Notice of Hearing, and Warrant for Arrest of Alien—Aliens against whom deportation proceedings are being instituted.
- I–551, Permanent Resident Card—Lawful permanent resident of the United States.
- I–766, Employment Authorization Document (EAD).
- Form I–862, Notice to Appear—Aliens against whom removal proceedings are being instituted.
- Form I–863, Notice of Referral to Immigration Judge—Aliens against whom removal proceedings are being instituted.[9]

In addition, under a note to 8 CFR 264.1(b), a valid, unexpired nonimmigrant DHS admission or parole stamp in a foreign passport constitutes evidence of registration.

C. The March 2025 IFR

On March 12, 2025, DHS published an IFR with request for comments in the **Federal Register**, 90 FR 11793 (Mar. 12, 2025). The IFR partially implemented section 7 of E.O. 14159, Protecting the American People Against Invasion, issued on January 20, 2025. *See* 90 FR 8443 (Jan. 29, 2025). Section 7 directs the DHS, in coordination with the Department of State (State) and the Attorney General, to take all appropriate action to:

- Immediately announce and publicize information about the legal obligation of all previously unregistered aliens in the United States to comply with the requirements of part VII of

[6] *DHS may waive fingerprinting requirements for some nonimmigrants. Such waivers are in the DHS's discretion, on the basis of reciprocity, and pursuant to such DHS regulations. See* INA sec. 262(c), 8 U.S.C. 1302(c). DHS regulations waive fingerprinting requirements for some nonimmigrants, which covers various diplomatic and similar categories; other nonimmigrant aliens, while they maintain nonimmigrant status, who are nationals of countries which do not require fingerprinting of U.S. citizens, temporarily residing therein; and nonimmigrants who depart from the United States within 1 year of admission. *See* 8 CFR 264.1(e)(1) and (2). A nonimmigrant who fails to maintain his or her nonimmigrant status must apply to be fingerprinted at once upon failing to maintain nonimmigrant status. *See* 8 CFR 264.1(e)(3).

[7] This includes aliens admitted as B–1/B–2 nonimmigrants through the Visa Waiver Program who were issued a Nonimmigrant Visa Waiver Arrival/Departure Record (Form I–94W).

[8] *See* 8 CFR 264.1(a).

[9] *See* 8 CFR 264.1(b).

subchapter II of chapter 12 of title 8, U.S. Code (8 U.S.C. 1301 through 1306);

- Ensure that all previously unregistered aliens in the United States comply with 8 U.S.C. 1301 through 1306; and
- Ensure that failure to comply with the legal obligations of 8 U.S.C. 1301 through 1306 is treated as a civil and criminal enforcement priority. *See* 90 FR 8443 (Jan. 29, 2025).

Following the issuance of this E.O., DHS reviewed the registration regulations at 8 CFR part 264 and determined that it would be appropriate to designate a general registration form in addition to those already identified in the regulations to improve registration outcomes for certain groups of aliens who currently lack a designated registration form, such as aliens who are present without being admitted or paroled and have not otherwise been encountered by DHS, or Canadian nonimmigrants for business or pleasure who are not issued Form I–94. *See* 90 FR 11793, 11795 (Mar. 12, 2025).

Consistent with the E.O. and the alien registration requirements of the INA, the IFR designated new Form G–325R, Biometric Information (Registration) as a general registration option available to all unregistered aliens regardless of their status. *See* 90 FR 11793, 11795 (Mar. 12, 2025). As explained in the IFR, to use this option, aliens must create their own unique account, or an account for their child, in myUSCIS at *https://my.uscis.gov/* and then complete the Form G–325R, Biographic Information (Registration). *See* 90 FR 11793, 11796 (Mar. 12, 2025). There is no fee.

Submission of the registration in myUSCIS initiates the process for the alien's biometric services appointment at a local USCIS Application Support Center (ASC) for the collection of biometrics, including fingerprints, photograph, and signature.

Once an alien successfully completes his or her biometrics appointment at an ASC, the USCIS Electronic Immigration System (ELIS) case management system triggers the creation of ''USCIS Proof of Alien G–325R Registration'' with a unique identifier printed on the document. For those aliens, such as Canadian nonimmigrants and aliens under the age of 14 years old, required to register but for whom the fingerprint requirement is waived, the ELIS case management system triggers the creation of the ''USCIS Proof of Alien G–325R Registration'' upon receipt of the Form G–325R. This ''USCIS Proof of Alien G–325R Registration'' document is then posted to the alien's myUSCIS account. In the myUSCIS account, the alien is allowed to download a PDF version of the document and can print it. This document serves as evidence of the alien's registration for purposes of section 264(d) of the INA, 8 U.S.C. 1304(d).

The IFR filled the gaps in the regulatory regime by prescribing a registration form available to all aliens regardless of their status, in addition to the other forms already listed. Specifically, the IFR listed the new form at 8 CFR 264.1(a) and listed the corresponding evidence of registration at 8 CFR 264.1(b). *See* 90 FR 11793, 11796 (Mar. 12, 2025).

Consistent with section 289 of the INA, 8 U.S.C. 1359, DHS interpreted the registration and fingerprinting requirements of section 262 of the INA, 8 U.S.C. 1302 to exclude from ''all aliens'' American Indians born in Canada who possess at least 50 per centum of blood of the American Indian race who are present in the United States under the authority of section 289 of the INA, 8 U.S.C. 1359, as section 262 of the INA, 8 U.S.C. 1302 and other provisions of subchapter II of chapter 12, title 8 of the U.S. Code are construed consistent with their right to pass the borders of the United States.[10] Therefore, the registration form added in the IFR is not used by these entrants because such entrants do not have to register.[11]

The IFR did not impose any new registration or fingerprinting obligations separate from the obligations already contained in the INA. An alien who has previously registered consistent with 8 CFR 264.1(a), or an alien who has evidence of registration consistent with 8 CFR 264.1(b), generally need not register again, although such an alien is subject to ongoing change of address reporting requirements under section 265(a) of the INA, 8 U.S.C. 1305(a) and 8 CFR 265.1, which are in addition to, and separate from, any other address reporting obligations the alien may have.

While DHS did not incorporate a fee for filing the Form G–325R, DHS requested comments in the IFR on the option of adding biometric services fee per registrant of $30, for the collection, use, and storage of biometric information, pursuant to 8 CFR 103.16 and 17.

III. Response to Public Comments on the IFR

A. Overview of Comments on the IFR

When issuing the IFR, DHS invited the public to participate in the rulemaking by submitting post-promulgation comments on every aspect of the rule. DHS also invited the public to comment on a potential biometric services fee, including on the calculation of the fee. Additionally, the IFR contained a secondary comment period for purposes of the 60-day **Federal Register** notice under the PRA, 44 U.S.C. 3501 *et seq.* and OMB approved Form G–325R, Biographic Information (Registration). *See* 90 FR 11793, 11799 (Mar. 12, 2025). DHS requested that comments on the information collection included the term OMB Control Number 1615–NEW. The comment period for purposes of the PRA ended on May 12, 2025. Any public comment received on Form G–325R has been responded to as part of the 30-day **Federal Register** notice published for purposes of obtaining OMB approval of Form G–325R[12] on August 11, 2025, at 90 FR 38655. The information collection instrument with instructions and additional supporting documents, including responses to comments submitted as part of the 60-day **Federal Register** Notice, can be accessed by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* under Docket ID number USCIS–2025–0005.

Comments were submitted by a range of entities and individuals, including attorneys and legal service providers, applicants, individual commenters, professional organizations, unions, advocacy groups, religious organizations, research and community

[10] *See Akins* v. *Saxbe,* 380 F. Supp. 1210 (D. Me. 1974); *Matter of Yellowquill,* 16 I&N Dec. 576 (BIA 1978). Members of the Texas Band of Kickapoo Indians similarly are not required to register. *See* Texas Band of Kickapoo Act, Public Law 97–429, sec. 4(d) (1983) (''Notwithstanding the Immigration and Nationality Act, 8 U.S.C. 1101, all members of the Band shall be entitled to freely pass and repass the borders of the United States and to live and work in the United States.'').

[11] While DHS wrote in the IFR that American Indians born in Canada who enter the United States under INA sec. 289, 8 U.S.C. 1359, may register using Form G–325R ''if they wish,'' this is not consistent with the statute. Just as U.S. citizens and nationals are excluded from ''all aliens,'' so are American Indians Born in Canada who enter under INA sec. 289, 8 U.S.C. 1359, and members of the Kickapoo Traditional Tribe of Texas who enter the United States under the Texas Band of Kickapoo Act. If individuals in any of these groups submit Form G–325R to USCIS, USCIS will not register them and instead will send them a notice informing them that they are not required to register.

[12] 12 DHS had requested, and OMB approved, Form G–325R on an emergency review basis pursuant to 44 U.S.C. 3507(j) and 5 CFR 1320.13, on March 5, 2025. *See* Notice of Action, OMB Control Number 1615–0166 (Mar. 5, 2025), *https://www.reginfo.gov.* The information collection approved on an emergency review basis had a subsequent information collection request for revision of the information collection submitted timely to OMB and thus, USCIS may continue to conduct the information collection while the submission is pending OMB review.

organizations, and State and local government agencies or elected officials.

In response to the IFR, DHS received 4,198 public comment submissions during the initial comment period that ended on April 11, 2025, for purposes of the IFR and the information collection. The secondary comment period for purposes of the information collection closed on May 12, 2025, with 71 additional submissions received to the docket after April 11, 2025.

DHS appreciates all comments and feedback. A few commenters expressed their support for the IFR or parts thereof, and the registration requirements. The majority of commenters opposed the statutory registration requirement and thus, the implementation thereof, including the IFR, Form G–325R, or the form's contents based on the impact on various populations or past practices but without providing specific suggestions. The majority of the commenters requested that DHS rescind the rule.

DHS is responding to the feedback received in this final rule but reiterates that, for approximately 85 years, the laws of the United States, including longstanding regulations, have required most aliens present in the United States who remain for 30 days or longer to register and, with some exceptions based on age or nonimmigrant status, be fingerprinted. The IFR and this final rule have not modified these statutory requirements. Similarly, the IFR and final rule do not modify the criminal penalties established by Congress many decades ago that apply when aliens fail to meet their registration and related obligations. This rule is consistent with E.O. 14159 and the alien registration requirements in sections 262 through 265 of the INA, 8 U.S.C. 1302 through 1305, and establishes a general registration option available to all unregistered aliens regardless of immigration status. DHS has no authority to rescind the E.O. or the alien registration requirements of the INA.

B. Support for the IFR

Comment: Multiple commenters expressed support for the IFR. One commenter noted the IFR is a means for DHS and USCIS to comply with E.O. 14159. The commenter reasoned that a general registration form for all unregistered aliens,[13] regardless of status, would improve registration outcomes and support the enforcement of immigration laws and regulations. The commenter added that this new registration form would bridge the regulatory gap between ''certain immigration statuses'' and appropriate registration procedures and requirements. Another commenter reasoned that ''aliens need to be vetted'' to protect the safety of U.S. citizens, including by knowing ''who has entered our country,'' and encouraged DHS to ''pass'' this regulation.

Response: DHS agrees that the new registration form and evidence of registration will improve registration outcomes and support the enforcement of immigration laws and regulations. DHS appreciates the commenters' feedback and support for DHS obligation to faithfully execute immigration laws established by Congress.

C. Opposition to the IFR and Policy Objections

1. General Negative Impacts

a. Overreach and Invasiveness Concerns

Comment: Many commenters voiced concerns with Federal overreach as a result of the IFR. Commenters variously wrote that the IFR is ''invasive,'' ''out of bounds,'' would create a ''police state,'' ''has no place in our system of democratic laws,'' would violate the rule of law, would allow excessive surveillance or government control that sets a troubling precedent, represents an abuse of power, and is a dangerous expansion of state control that will enable the government to surveil millions of people. A commenter stated that once implemented, the IFR could provide a tool by which any future administration could enact targeted, repressive measures against alien residents of the United States. The commenter remarked that authority, once delegated to governing bodies, is rarely yielded or revoked, and that DHS should take care to consider the regulatory precedent the IFR would establish. Another commenter stated that the IFR imposes a similar registration requirement that was imposed by Germany during World War II as a means to control unpopular groups. A commenter added that while the registration is codified in the laws of the United States and it is lawful to ensure compliance, the law disproportionately impacts individuals and their families who have been living and contributing to society peacefully for years, especially those with pending immigration relief or humanitarian protections.

Another commenter stated that the normalization of mass surveillance for one group sets a dangerous precedent, potentially paving the way for broader erosions of privacy and civil rights for all individuals. A commenter stated that the IFR gives the Secretary of Homeland Security unchecked discretionary power to monitor, register, and remove immigrants and thus, was ''a sweeping revision of prior powers to the Secretary.''

Commenters expressed reservations about the implications of surveillance by law enforcement. For example, a commenter wrote that surveillance measures weaken the social fabric of entire communities. Other commenters wrote that the expansion of surveillance could eventually include all U.S. citizens, with another expressing concern about the ease with which the policy could expand surveillance and restrict individual liberties.

A commenter wrote that the IFR would create ''undignified'' monitoring requirements that would be a barrier to integration, economic participation, and community trust. Another commenter said the IFR is an ''absolute abomination,'' as it targets and entraps people who contribute to the cultural depth and economic vitality of the United States. One commenter stated that this tactic relies on lies to divide people, while another commenter said that ''this program'' sends an unwelcoming message.

Another commenter expressed concern that the data collected under the IFR could facilitate human rights abuses, similar to those seen in historical mandatory registration programs. The commenter cited examples such as the internment of Japanese citizens during World War II, the post-September 11 NSEERS (National Security Entry-Exit Registration System) program, and the registration of Jews during the Holocaust. The commenter remarked that there are no safeguards in the IFR to prevent such abuses and recommended rescinding the rule to protect privacy and prevent potential harm.

A commenter wrote that if the Federal Government intends to enforce a ''show me your papers'' rule against aliens, then every person in the United States, including U.S. citizens, must carry proof of their immigration status or face penalties. With regard to ''carrying papers,'' a commenter stated that registered immigrants risk prosecution if they do not carry them or update their address, while aliens face deportation or criminal charges. A different commenter said that certain States have already

[13] The commenter used the word ''alien,'' consistent with the terminology in the alien registration provisions of the INA. Other commenters used different terminology. In general, when describing comments in this preamble, DHS has sought to mirror the language used in those comments, sometimes with quotation marks for clarity. Otherwise, DHS has used the statutory term ''alien.''

seen immigration enforcement and said that with a nationwide ''show me your papers'' law, U.S. citizens without proof on them, or LPRs, are also at risk of being unlawfully detained and even deported. The commenter stated that the rule and registration processes are an affront to public safety as well as national security, which this process purports to uphold.

Another commenter criticized the IFR as a ''deep overreach'' in Federal authority, despite the administration's promises to turn more power to the States. Another commenter viewed the IFR as contradictory to the administration's stated goal of reducing regulations. Commenters also wrote that the rule and forced registration reinforces the idea of a ''Deep State'' and surveillance state, where government officials use registration data to track, target, and punish individuals in direct violation of human rights and U.S. rights.

A commenter stated that requiring registered aliens to update the government with their current residence is surveillance ''on par with a parole sentence that no other U.S. citizen has to go through.'' Commenters stated that the IFR and the registration requirement are a step toward mass surveillance and criminalization of ''undocumented'' communities; that these requirements are ''Orwellian;'' and that they have the potential government overreach and the misuse of data to surveil immigrants.

Numerous commenters suggested that the rule is un-American or runs contrary to U.S. values, authoritarian, undemocratic, that it would reinforce harmful stereotypes; or that it was an ''attempt to complete [an] authoritarian takeover,'' or establish a dictatorship. Other commenters stated that the IFR disagrees with the American value of free movement; is dangerous; fascist; punitive; inhumane; immoral; or exploitative. A few commenters wrote that only Native Americans are not immigrants to the United States, and that the IFR's policies are hypocritical as a result.

Commenters wrote that the IFR is ''cruel'' and contradicts the values of welcoming aliens and providing them with safety and freedom, as represented by the Statue of Liberty. Similarly, a few commenters remarked that the United States is a nation of immigrants that should embrace diversity and be more respectful of those immigrants; that the U.S. immigration system should be fair and provide viable paths to legal status, and that the rule does not further those goals. Other commenters said that the United States should not intimidate or demean aliens and that the United States should honor its reputation of accepting aliens in need of protection from persecution, threats, torture, and death from their own country. Stating that the rule imposes an undue burden and creates fear in communities, a commenter said that making criminals out of people who are contributing to society was nonsensical. Discussing efforts in their State, the commenter noted that there can be ''calls for border security'' while still treating all people with respect and acknowledging the value of immigrants in society.

Several commenters called the registration requirement a violation of human rights. A commenter also said that the IFR would open the door for human rights abuse. Commenters stated that the IFR risks damaging the United States' international reputation as a champion of fairness, human rights, and due process. Another commenter wrote that the IFR aims to ''reduce the immigrant to an undesirable person,'' which contradicts religious principles, is against Christian values, and prevents individuals from practicing their religious beliefs. Commenters also stated that the IFR raises moral and legal questions and harkens back to dark days in Jewish history.

A commenter stated that the Federal Government, under the previous Presidential administration, repeatedly committed to a humane, trauma-informed immigration policy, particularly for children and families. The commenters said that the IFR contradicts those values and codifies fear-based compliance mechanisms without providing pathways to safety, legal relief, or stability, which was particularly concerning in cities like Chicago, where thousands of asylum seekers are still awaiting work permits, school placements, and basic housing.

Response: DHS disagrees with the characterization of the IFR as overreach, discriminatory, or otherwise contrary to the principles and values of American society, as raised by the commenters. DHS also disagrees with the concerns raised by commenters that equate the registration program with government overreach, mass surveillance, eroding civil liberties, punishment, lack of safeguards, and setting precedents for mass surveillance of U.S. citizens. Congress directed and provided the necessary authority for the registration of aliens, including the content of the registration in sections 262 through 266 of the INA, 8 U.S.C. 1302 through 1306. It is Congress that sets the policy and consequences; DHS is directed by Congress and committed to carry out the congressional mandate.

President Trump directed DHS to take all appropriate action to ensure that previously unregistered aliens in the United States comply with their duty to register with the government. DHS identified a gap in the regulatory regime and established a new general registration option so that previously unregistered aliens could comply with the longstanding statutory requirement. As explained throughout this rulemaking, registration has existed for over 80 years; administrations had implemented the registration requirement in the longstanding regulation at 8 CFR 264.1, listing forms and evidence of registration, such as Form I–485. The IFR and this final rule is limited in scope by prescribing an additional registration form and evidence of registration for unregistered aliens regardless of immigration status. The general registration form collects basic biographic information and information required by section 264(a) of the INA, 8 U.S.C. 1304(a), which USCIS has a legal responsibility to safeguard, similar to the other form types collected by the agency. *See* INA sec. 264(b), 8 U.S.C. 1304(b).

b. Effect on Removal, Detention, and Criminalization

Comment: Many commenters criticized the rule as an attempt to entrap aliens by forcing them to either register (causing them to face potential deportation), or face criminal penalties for failing to comply. Another commenter described the rule as ''unnecessarily complicated and clearly designed to entrap and ensnare people,'' while another described it as a ''bad faith 'policy' '' meant to confuse immigrants into providing information that would be used to persecute them by illegal or unconstitutional means.

A commenter stated that in media interviews, then-Secretary Noem indicated that the purpose of registration is to facilitate removal of people from the United States, and that those who register would likely face detention, removal proceedings, and eventual deportation. A commenter stated opposition to the IFR and the potential detention of aliens resulting from it, describing conditions in immigration detention centers as potentially deadly and noting reports of medical abuse.

Numerous other commenters stated that the IFR would lead to unjust detentions, the criminalization of aliens' presence in the United States, arbitrary searches and seizures, unjust deportations (including for aliens in the country legally and awaiting court hearings), scapegoating of hardworking

immigrants, and punishing people without merit. A commenter expressed concern that the main purpose of the rule is to make it easier for DHS to identify and deport aliens, and stated that following the IFR's logic, similar measures should be applied to U.S. citizens because it would be easier to identify them for arrest should it be deemed necessary. Another commenter stated that coupling the new registration requirement with an E.O. requiring DHS to prioritize prosecuting violations and misdemeanors, rather than serious crimes, highlights that the purpose of this registration is ''mass deportation.'' A commenter expressed concern that the current administration would weaponize the process against individuals who have no criminal history and no immediate path to legal status under the current law, but are otherwise valued members of society.

A commenter wrote that E.O. 14159, alien registration, and the focus on deportation indicate that the primary aim of the Federal Government in enforcing these provisions is to use the registry as a tool to identify, detain, and deport ''undocumented immigrants'' or incentivize them to self-deport. Other commenters stated that the IFR fails to meaningfully distinguish between lawfully present aliens and those without status, which they said could lead to the treatment of all aliens as potential enforcement targets, regardless of their legal status or history.

Other comments stated that, unlike programs such as Deferred Action for Childhood Arrivals (DACA), this registration process offers no benefits, no legal protections, no form of immigration relief, and no shield from deportation, and added that the IFR makes no promises that the data collected through this process would not be used for enforcement purposes. Another commenter stated that past attempts to enforce registration requirements in the interest of national security included explicit assurances that those who complied would be afforded due consideration for immigration relief, and stated that such a requirement without providing opportunities for registrants to pursue legal pathways toward status adjustment undermines our collective commitment to establishing a just, efficient immigration system that prioritizes the wellbeing of long-term residents. The commenter said that rather than incentivizing compliance, this policy punishes those who self-identify.

A commenter indicated that the rule would fail to meet the administration's policy goals of improving registration outcomes because the administration fails to incentivize ''undocumented immigrants'' to register. Discussing the historical context of the Alien Registration Act of 1940, the commenter wrote that Congress had given then Attorney General Robert H. Jackson the power to relieve registrants of penalties for illegal entry. As a result, and because of the Attorney General's successful public messaging encouraging aliens to register, approximately 5 million aliens registered with the Federal Government by January 1941. In contrast, according to the commenter, this Administration made clear that it plans to use the registration process to advance its immigration enforcement activities, including removal, which fails to incentivize ''undocumented immigrants'' to register. Similarly, a commenter also indicated that it is the first time the government has required registration as part of a campaign to prioritize the prosecution of immigration offenses and encourage self-removal, rather than providing assurances, unlike in the past, that registration might lead to lawful status or that the alien does not have to fear adverse consequences for registering.

Several commenters expressed concerns that DHS would use the rule to facilitate deportations under the Alien Enemies Act of 1798.

Response: The goal of the IFR and this final rule is to fill a gap in the regulatory regime by prescribing a general registration form available to all aliens. The IFR did not establish the statutory requirements to register or carry evidence of registration, or establish the criminal penalties established by Congress many decades ago that apply when aliens failed to meet their registration and related obligations.

DHS agrees that the registration is not an immigration status, and the registration documentation does not evidence an immigration status, establish employment authorization, or provide any other right or benefit under the INA or any other U.S. law.

However, the statute provides that most aliens 14 years of age or older who were not registered and fingerprinted (if required) when applying for a U.S. visa and who remain in the United States for 30 days or longer, must apply for registration and to be fingerprinted. The statute imposes civil and criminal penalties for failure to comply. The purpose of this rule is to provide a straightforward way for aliens to meet their statutory obligations to register, rather than to provide incentives beyond those already contained in the INA.

As then-Attorney General Robert H. Jackson stated in his address before the Common Council for American Unity, ''[t]hese detailed individual records enable the government to deal with any alien problems on the basis of individual merits, and they take away any excuse for indiscriminating dragnet procedures or mass action.'' [14] Many aliens who are present in the United States have already fulfilled their duty to register through a variety of pathways identified in 8 CFR 264.1. Each registration Form G–325R will undergo an individual review to determine if the alien has already complied with the registration requirements in some other way and does not need to submit Form G–325R or if the alien is required to appear for a biometric services appointment.

DHS believes that improved registration outcomes will improve DHS law enforcement efficacy by providing more comprehensive information about the location of aliens in the United States, which makes it easier and safer for DHS to enforce the law. The increased compliance with fingerprinting requirements would provide DHS with additional information about an alien's criminal record, including whether the alien is a known or suspected terrorist. DHS does not believe that a nexus between registration and law enforcement efficacy is problematic; Congress specifically provided for the sharing of alien registration information with Federal, State, and local law enforcement, and DHS complies with the laws as duly passed by Congress.[15]

c. Administrative and Financial Impacts to Nonimmigrant Populations

Comment: Commenters opposed the IFR due to financial and administrative burdens on immigrant populations. A commenter stated that registration requirements would challenge immigrants experiencing changes in living situations, particularly those needing to relocate quickly. The commenter noted that change-of-address update requirements could impede immigrants' ability to navigate the court system, while bureaucratic backlogs might incorrectly label mobile immigrants as non-compliant with registration requirements.

A commenter expressed concern about potential financial burdens if DHS implemented processing fees for Form G–325R, especially for individuals submitting multiple registrations due to

[14] *See* ''Address of Robert H. Jackson, Attorney General of the United States, before the Common Council for American Unity'' (Apr. 4, 1941), *https://www.justice.gov/sites/default/files/ag/legacy/2011/09/16/04-03-1941.pdf.*

[15] *See* INA sec. 264(b), 8 U.S.C. 1304(b).

changing circumstances. These administrative requirements would compound existing challenges immigrants face while managing legal proceedings, education, family responsibilities, and digital barriers. Many commenters suggested that requiring the Form G–325R would add unnecessary bureaucratic and financial burdens, as immigrants already submit extensive documentation.

Response: The IFR and this rule are limited in scope and designate a new registration form for aliens to comply with the statutory alien registration and fingerprinting provisions. DHS was directed through E.O. 14159 to take all appropriate action to ensure that aliens understand their duty under the law and have a path to satisfy that duty through the new general registration process and form. This rulemaking has not modified the duty established by Congress for aliens to register and be fingerprinted. Similarly, this IFR did not create or modify the criminal penalties established by Congress many decades ago that apply when aliens fail to meet their registration and related obligations, including the requirement to notify DHS of change of address. The law created by Congress requires that aliens who are required to register update their address with the government within 10 days of moving. *See* INA sec. 265, 8 U.S.C. 1305.

The general registration form collects basic biographic information and information required by section 264(a) of the INA, 8 U.S.C. 1304(a). The form is a digital form that can be easily accessed through an internet browser or a person's cell phone. Additionally, public libraries and other private and public institutions provide access to the internet. The burden assessed for the average hour burden per response for completion of Form G–325R is 2.5 hours. Also, many aliens in the United States have already registered, as required by law, and would not need to complete Form G–325R. DHS thus disagrees with the characterization that the rule imposes an undue burden on the public or compounds existing challenges immigrants are facing. If an individual encounters difficulties with registering, DHS recommends contacting the USCIS Contact Center for live assistance.[16]

DHS has determined that it will not impose a biometric services fee for registration applicants as part of this final rule. Section III.F.5 of this preamble provides more details on the determination of the filing fee.

[16] USCIS Contact Center, *https://www.uscis.gov/contactcenter* (accessed Oct. 24, 2025).

Comment: Commenters said that the additional Form G–325R registration requirement would impose financial burdens on low-income aliens due to legal and application costs or other costs associated with the IFR, such as missing work or school, arranging childcare, and even travel for biometrics appointments, or to obtain specific documentation, which places an undue strain on their limited resources, all of which can make compliance unattainable. A commenter stated that immigration forms frequently require outside assistance to ensure compliant completion, and prospective registrants are likely to seek external support given the penalties for noncompliance.

Response: DHS acknowledges there are burdens to registrants associated with this rule. These costs include, but are not limited to, time burden to submit biometrics, and travel costs to go to an ASC. A more detailed breakdown of the costs associated with this rule is in section VI, the Statutory and Regulatory Requirements section of this preamble.

d. Health Impacts

Comment: A commenter stated that the IFR would endanger communities' mental and physical well-being. Another commenter cited a study finding that restrictive immigration policies and surveillance measures correlate with poorer mental and physical health outcomes among aliens, including heightened anxiety and depression, as well as reduced access to healthcare services. Yet another commenter expressed concern that the IFR would limit their ability to provide medical care to patients due to patients' fear of encountering ICE, and further raised concerns about the health conditions in alien detention facilities, stating that ''multiple people'' have died in them due to inhumane, unsafe, and unsanitary conditions. A commenter wrote that the increased stress from the IFR to vulnerable populations would lead to higher contact with emergency rooms, mental health agencies, and primary health care providers. A commenter wrote that the additional burden from the IFR on USCIS processing centers could increase stress for aliens waiting for decisions, leading to mental and physical health challenges.

Response: For over 80 years, the laws of the United States have required most aliens present in the United States who remain for 30 days or longer to register and, with some exceptions based on age or nonimmigrant status, be fingerprinted.

DHS identified a gap in the regulatory regime and established a new general registration option that aliens, who are required to register but have not yet done so, may use to satisfy their statutory obligations. The IFR and this rule are limited in scope by amending DHS regulations to designate a new registration form and evidence of registration for unregistered aliens regardless of immigration status.

2. Impact on Specific Populations

a. Groups Based on Immigration Status

Comment: A commenter said that the population of refugees, asylum seekers, visa holders, and permanent residents they serve almost exclusively comprises aliens who have been persecuted in their home countries, adding that a new registration requirement gives them more reason to fear the place they have come to for refuge and protection. Another commenter stated that the rule may cause aliens who are already legally registered using other registration forms to be increasingly fearful and uncertain. Multiple commenters added that the IFR would severely impact lawful immigration.

Some commenters stated that the registration would be used to single out ''undocumented'' individuals for law enforcement actions. A commenter stated that the ''undocumented'' community includes hardworking individuals who contribute to the United States but do not see the benefits of their work. The commenter concluded that registration would harm communities and generate fear.

Others indicated that the IFR would negatively impact individuals who contribute richly to our country and pose no threat to U.S. citizens, including DACA recipients and other individuals who arrived in the United States at a young age.

A commenter stated that the organization's members, including ''noncitizens'' who entered without inspection, are directly impacted by the registration requirements and potential criminal penalties for noncompliance. The commenter expressed concern for members with pending immigration relief applications or deferred action requests (such as U visas or DACA) who have completed biometrics appointments but lack EADs that would qualify as valid registration. The commenter said it had helped submit numerous DACA applications in 2020 to 2021 that were never adjudicated due to a court order.

A commenter wrote that the IFR would target and disproportionately affect long-term U.S. residents awaiting

immigration relief or humanitarian protections. A commenter questioned the rationale behind DHS's decision, suggesting that it creates an additional procedural hurdle for vulnerable populations who have likely already submitted their biometric data to the government. Another commenter expressed concern that registration often leads to negative outcomes, such as surveillance, segregation, and incrimination. The commenter remarked that identifying a group as separate from the rest can have serious consequences, regardless of the original intentions.

Response: The IFR and this rule are limited in scope to establish a general registration option available to all unregistered aliens regardless of immigration status to improve registration outcomes for certain groups of aliens. An alien who has been issued one of the documents designated as evidence of registration under 8 CFR 264.1(b) has already registered, and an alien who has submitted one of the forms designated at 8 CFR 264.1(a) and provided fingerprints (unless waived), but was not issued one of the evidence of registration designated at 8 CFR 264.1(b), has complied with the registration requirement of section 262 of the INA, 8 U.S.C. 1302. If an alien does not have any other pathway to register and to be fingerprinted, the alien may file the Form G–325R to comply with their duty under section 262 of the INA, 8 U.S.C. 1302. Aliens who are registered and reached 14 years old may use the new form to register if they have no other pathway to satisfy this requirement.

DHS is aware that there are areas of the existing regulations that could be improved, including amending the list of forms prescribed as registration forms in 8 CFR 264.1(a) and the list of forms constituted as evidence of registration in 8 CFR 264.1(b). As part of this final rule, DHS is requesting comments on various ways to amend the DHS regulation to improve implementation of the registration requirement under section 262 of the INA, 8 U.S.C. 1302. See section V of this preamble.

b. Families and Children

Comment: Many commenters state that the IFR would harm children and families. Several commenters indicated that the IFR could deter families from enrolling children in school, from seeking medical care, or from reporting crimes. Speaking to the impact on children's education, a commenter stated that the registration system could lead to a risk of punishment and parents may be hesitant to register themselves or their children out of fear the information could be used to initiate removal proceedings. They concluded that this undermines the trust necessary not only to cooperate with local law enforcement to reduce crime, but for educators, social workers, and healthcare partners to serve these families effectively.

Several other commenters remarked that the IFR does not contain safeguards for families and stated that the IFR could lead to the deportation of parents or caregivers, and leading to family separation, including for mixed-status families. A commenter criticized USCIS' assumption that potential registrants would understand they need to register and described immigrants as ''targets for family separation, detention, or deportation.''

A commenter voiced concern that the IFR would create burdens for those families with minor children who lack access to stable housing, legal counsel, digital literacy, or reliable internet and potentially facing criminal penalties if not successful at registering.

Another commenter stated that the IFR fails to consider the significant impact on its application of expedited removal to parolees would have on families and communities, adding that subjecting them to removal without appropriate procedural protections could result in severe social and economic consequences for these individuals and their families. With regard to the economy, commenters wrote that many ''mixed-status'' families would be harmed, despite having significantly contributed to the economy.

A commenter wrote that some immigrant families are already in the midst of pursuing lawful immigration relief and that the IFR could introduce confusion and risk of unintentional noncompliance into that process. Another commenter stated the rule would cause immigrant families to withdraw from everyday life for fear of criminalization, leading to negative impacts on local communities, economies, and public safety.

Numerous commenters stated that the trauma of fear of deportation and family separation resulting from the IFR and from registration leads to long-term emotional, developmental, health (including heart disease, diabetes, substance abuse, and depression), and educational harm for children. Another commenter wrote that the IFR would impact hardworking families, taxpayers, and individuals who speak and write in English, and would harm the mental health of alien children, leading some to consider taking their own lives. Another commenter wrote that the administration is using immigrants, regardless of status, and children whose parents arrived to the United States ''undocumented,'' as ''pawns'' in a ''power struggle.'' Another commenter stated that IFR would make children who are victims of trafficking and abuse less likely to come forward and report their experiences to law enforcement.

Response: DHS has an obligation to faithfully execute the laws established by Congress, including provisions related to the alien registration requirements. *See* INA sec. 103(a), 8 U.S.C. 1103(a).

President Trump directed DHS to take all appropriate steps to ensure that previously unregistered aliens in the United States comply with the statutory duty to register with the government. DHS identified a gap in the regulatory regime and established a new general registration option to improve registration outcomes of certain groups of aliens. The IFR and this rule are limited in scope to establishing the new registration form and evidence of registration for unregistered aliens regardless of immigration status. This rulemaking has not created these requirements or modified the duties established by Congress for aliens.

DHS notes that the statute requires, with limited exceptions, all aliens 14 years or older who remain in the United States for 30 days or longer must apply for registration and to be fingerprinted before the expiration of 30 days. Similarly, parents and legal guardians of aliens below the age of 14 must ensure that those aliens are registered. Within 30 days of an alien reaching his or her 14th birthday, all previously registered alien must apply for re-registration and be fingerprinted.

Before the IFR, longstanding regulations already provided that within 30 days after reaching the age of 14, any alien in the United States who is not exempt from the alien registration requirement must apply for re-registration and be fingerprinted, unless fingerprinting is waived. The IFR and this rule do not change those procedures but fill a gap in the regulation by adding a general option available to unregistered alien, regardless of status to improve registration outcomes for certain groups of aliens. Also, many aliens in the United States have already registered, as required by law. An alien who was issued an immigrant or nonimmigrant visa and at his or her most recent arrival was admitted into the United States using that visa is registered. *See* INA sec. 221(b), 8 U.S.C. 1201(b). This includes aliens admitted

as nonimmigrant students and exchange visitors. *Id.*

For these reasons and the reasons articulated in previous responses, DHS does not believe that the IFR or this rule, particularly when viewed separate and apart from the alien registration requirements of the INA, creates a burden for families and children or otherwise leads to a negative impact on families, local communities and public safety.

Comment: Numerous commenters expressed opposition to the IFR's application to minors and children. Several commenters urged DHS to rescind or abandon the IFR on the basis of potential impacts to minors subject to the registration requirements.

A commenter stated that many children affected by the IFR have experienced trauma, such as threats of harm or death, abuse, or neglect, and that trauma-related challenges can further impair their ability to comply with the numerous and complex requirements of the IFR.

A commenter wrote that young people are often particularly fearful of procedures such as fingerprinting due to trauma they experienced in their home countries. The commenter said that if they are navigating the immigration legal system with specially trained legal advice and support, they are able to overcome such fears as part of the process of being scrutinized for lawful status in the United States but added that many of these children are set to lose representation due to funding cuts and thus are not able to successfully navigate the legal process as they will lack the help to understand the purpose and relative safety of such procedures. A commenter wrote that the information required for registration may be either unavailable or incomprehensible to children, including unaccompanied children and especially those in Federal Government custody. The commenter said that especially for children who have faced significant trauma, best practice indicates that they be provided special consideration and trauma-informed care, not an expectation to comply with the same requirements as adults for processes that potentially implicate criminal liability.

Expressing concerns about the IFR's requirement for children between the ages of 14 and 18 to submit to registration, fingerprinting, and background checks, a commenter stated that these registration's invasive requirements failed to account for evolving understanding of childhood vulnerabilities since the underlying law was written. The commenter noted the increased exploitation of vulnerable migrants, particularly minors, under a universal registration requirement, because on account of fraudsters and scammers, including those impersonating Federal agents. The commenter urged DHS to reconsider registration requirements to preserve civil rights and public safety protections for minors. Similarly, a commenter expressed concern for children between the ages of 12 and 18 who may not have a license being targeted for their skin color or lack of English language skills, and the commenter therefore opposed the requirement to carry ID or registration cards.

Similarly, commenters expressed concern about the impact of the registration requirements on children and youth. A commenter stated that the criminal penalties contemplated also extend to children between the ages of 14–18, placing them at particular risk of profiling and criminalization, noting that a 1940-era statute does not account for the decades of improvement that have been made regarding the criminal prosecution of juveniles.

Other commenters stated that the IFR makes no exceptions for the severe consequences of not registering, treating youth the same as adults. One commenter stated that with the return of family detention, youth could potentially be held with their parents or alone, facing possible deportation to countries where their safety and well-being may be compromised. The commenter cited the American Academy of Pediatrics' position that ''no amount of time in detention is safe for a child'' and referenced a DHS advisory committee report concluding that ''detention is generally neither appropriate nor necessary for families'' and is ''never in the best interest of children.''

Another commenter stated that if children's sponsors and family members are criminally prosecuted for failing to register or not having proof of registration on their person, children would remain detained even longer awaiting reunification and release, and many would be left without anyone to house and care for them.

Another commenter expressed concern that the rule's requirement to carry registration documentation could be used as a pretext for law enforcement actions against children and families. The commenter stated this could lead to racial profiling of people who may appear ''foreign'' to law enforcement officials, a practice the commenter described as disproportionately harming ''Black and Brown'' youth and their families, regardless of citizenship or immigration status. The commenter said that failure to register or carry documentation essentially criminalizes youth by default and creates additional distrust of law enforcement, making it less likely that young people and families report crimes or seek assistance from law enforcement. The commenter suggested this could particularly impact unaccompanied youth who are at higher risk for child labor exploitation and other types of abuse, as they may be more reluctant to seek help. Another commenter stated that the IFR would harm children subjected to profiling based on skin color or perceived nation of origin, and children who are victims of trafficking or other crimes.

Response: The statute requires, with limited exceptions, all aliens 14 years or older who remain in the United States for 30 days or longer must apply for registration and to be fingerprinted before the expiration of 30 days. Similarly, parents and legal guardians of aliens below the age of 14 must ensure that those aliens are registered. Within 30 days of an alien reaching his or her 14th birthday, all previously registered aliens must apply for re-registration and be fingerprinted. The statute further requires aliens 18 years or older in the United States who are required to register must at all times carry with them and have in their personal possession any certificate of alien registration or alien registration receipt card issued to them. DHS, with the IFR and final rule, has not created these requirements or modified the duties established by Congress for aliens.

Longstanding regulations before this IFR already provided that, within 30 days after reaching the age of 14, any alien in the United States who is not exempt from the alien registration requirement must apply for re-registration and be fingerprinted, unless fingerprinting is waived. The IFR and final rule do not change those procedures but fill a gap in the regulatory regime by prescribing a general registration option available to all aliens regardless of their status and corresponding evidence as proof of that registration.

The comments regarding the enforcement of the criminal provisions are out of scope of this rulemaking. This rulemaking does not set civil immigration or criminal enforcement policies or priorities. Children under 14 years of age face no criminal penalties for a willful failure or refusal to register. *See* INA sec. 266(a), 8 U.S.C. 1306(a).

Comment: Comments said that the IFR would also disproportionately harm children with disabilities, youth with certain mental health, developmental or cognitive disabilities, and those with

limited English proficiency, adding that youth with certain mental health, developmental or cognitive disabilities may face challenges in being able to comprehend that the registration requirement applies to them, complete the requirements, or understand that they need to carry proof of registration with them at all times. Another commenter said that youth who are unable to speak or read English may also face significant challenges, especially since unaccompanied youth come from all around the globe, many of whom speak indigenous languages and other uncommon languages and often lack access to interpretation assistance. Another comment stated that faced with law enforcement interactions, youth with certain mental health, developmental, or cognitive disabilities are at higher risk of worse outcomes, such as arrest, detention, or even physical harm.

Commenters also stated that children with limited technology access or who otherwise need support to comply with the requirement may seek guidance from teachers and other school personnel, adding burdens to the education system.

Another commenter said that the registration requirement would prejudice children in living situations where they may not have access to their immigration paperwork or have not had the opportunity to speak to a lawyer. The commenter added that children may not have an adult who understands English, let alone the complex nature of the form required for registration.

Response: The statute provides that, with limited exceptions, all aliens 14 years or older who remain in the United States for 30 days or longer must apply for registration and to be fingerprinted before the expiration of 30 days. *See* INA sec. 262, 8 U.S.C. 1302. Similarly, parents and legal guardians of aliens below the age of 14 must ensure that those aliens are registered. Within 30 days of an alien reaching his or her 14th birthday, all previously registered aliens must apply for re-registration and be fingerprinted. *See* INA sec. 262(b), 8 U.S.C. 1302(b). DHS, with the IFR and this final rule, has not changed the requirements established by Congress for aliens. The IFR and this rule are limited in scope, designating a new registration form for aliens to comply with the statutory registration and fingerprinting requirements.

DHS acknowledges the challenges that children may encounter, in particular children with disabilities, mental health difficulties, limited English proficiency, or based on socio-economic situation. These difficulties apply generally to any statutorily imposed obligations codified by Congress, and the longstanding alien registration requirement does not distinguish itself in this manner. To address concerns about disability and access issues, DHS provides various accommodations, in accordance with current laws. DHS and USCIS electronic and information technology (IT) systems meet and in some respects may exceed the requirement of section 508 of the Rehabilitation Act (29 U.S.C. 794d) and related guidance. DHS and USCIS are committed to making the public information and data accessible and usable by individuals with disabilities in a manner that is comparable with individuals who do not have disabilities. USCIS provides accommodations consistent with section 504 of the Rehabilitation Act.[17]

USCIS also established a dedicated website with information on the Alien Registration Requirement (ARR) and an ARR Tool that help aliens determine if they must register.[18] The tool poses a series of questions to aliens and based on an alien's responses, may help an alien determine if they must register.

Comment: A commenter expressed concern that the IFR creates a financial burden on unaccompanied children who typically lack independent income sources. The commenter stated that children might feel compelled to work to comply with the IFR, though many cannot, due to lack of work authorization or school attendance. The commenter identified several costs that would burden children, including application fees, technology access, transportation to biometrics appointments, document costs, fingerprinting fees, interpretation services, and legal consultation expenses. The commenter concluded that these financial barriers would prevent many children from complying with the requirements, potentially subjecting them to criminal liability.

Response: The statute requires, with limited exceptions, that all aliens 14 years or older who remain in the United States for 30 days or longer must apply for registration and to be fingerprinted before the expiration of 30 days. Similarly, parents and legal guardians of aliens below the age of 14 must ensure that those aliens are registered. Within 30 days of an alien reaching his or her 14th birthday, all previously registered aliens must apply for re-registration and be fingerprinted.

DHS, with the IFR and final rule, has not modified the duties established by Congress for aliens. Before the IFR, regulations already provided that within 30 days after reaching the age of 14, any alien in the United States who is not exempt from the alien registration requirement must apply for re-registration and be fingerprinted, unless fingerprinting is waived. The IFR and final rule do not change those procedures but fills a gap in the regulation by adding an option for aliens to comply with the existing statutory registration requirements. DHS notes that some unaccompanied alien children will already be registered by virtue of having been placed in removal proceedings via the Form I–862, Notice to Appear.

c. People With Disabilities

Comment: Commenters stated that the IFR would disproportionately harm people with disabilities. Similarly, commenters stated that individuals with mental, developmental, or health-related disabilities may be unable to reliably carry documentation as described in the IFR. The commenter wrote that without available assistance from family members or others, these individuals would face increased risk of law enforcement actions, incarceration, and removal from the United States without meaningful due process.

Similarly, commenters stated that the IFR would deter sponsors and family members from providing support for Non-Qualified Respondent Program participants with mental disabilities. The commenter noted that immigration judges often require individuals with mental disabilities to be released into family members' care during bond hearings, ensuring their participation in legal proceedings. According to the commenter, the IFR would discourage family members from acting as sponsors due to concerns about potential consequences if the respondent fails to register. The commenter said this would prolong detention of individuals with mental disabilities, who may lose their support system and be unable to meaningfully participate in immigration proceedings.

Similarly, commenters stated that people with disabilities would not have meaningful access to the registration process for several reasons. The commenters wrote that people with certain mental health, developmental, or cognitive disabilities may be unable to determine if the registration requirement applies to them. The commenters stated that additionally,

[17] See USCIS, ''Disability Accommodations for the Public,'' *https://www.uscis.gov/about-us/disability-accommodations-for-the-public* (last updated Oct. 19, 2022).

[18] See USCIS, ''Alien Registration Requirement,'' *https://www.uscis.gov//alienregistration* (last updated May 6, 2025).

registration requires access to the internet, a computer or smartphone, and an email address, which may be difficult or impossible for people with various disabilities, including those who are blind or have low vision, those with mobility issues affecting manual dexterity or ability to navigate technology, and those with intellectual or cognitive disabilities. Commenters added that the registration process also requires cognitive capacity to follow a multi-step process for creating an account and registering for myUSCIS, including a two-factor authentication process. Finally, a commenter said that registrants must have the cognitive capacity to answer a long list of questions with minimal instructions or risk civil and criminal penalties.

A commenter said that expecting individuals with disabilities to comply with the registration requirement would place ''an unrealistic and significant burden on them,'' reasoning that clients with health needs living in the community are frequently without stable housing. Specifically, the commenter noted that as these individuals move from one transitional housing situation to another, papers are frequently lost, and, often, possessions are stolen.

Response: DHS, with the IFR and this final rule, has not changed the requirements established by Congress for aliens. The IFR and this rule are limited in scope, designating a new registration form for aliens to comply with the statutory registration and fingerprinting requirements.

Most aliens in the United States already complied with the registration requirement prior to the publication of the IFR. For many decades, these aliens have satisfied the requirement through a variety of pathways. However, the IFR and this final rule fills a gap in the regulatory regime by prescribing a general registration option available to all aliens regardless of their status and corresponding evidence as proof of that registration. DHS believes that this new option may improve registration outcomes for certain groups of aliens.

DHS and USCIS are committed to making electronic and information technologies accessible to individuals with disabilities. The myUSCIS site and its technology are designed to ensure individuals with disabilities can access and use information and data in a way that is comparable to those without disabilities.

The Form G–325R complies with section 508 of the Rehabilitation Act; additionally, USCIS provides reasonable accommodations in accordance with section 504 of the Rehabilitation Act.[19] As part of the accommodation, we encourage individuals to reach out to the USCIS Contact Center if they require help with alien registration.

DHS notes that this rulemaking has not changed the requirement that all aliens 18 years or older in the United States who are required to register must at all times carry with them and have in their personal possession any certificate of alien registration or alien registration receipt card issued to them. These are statutory requirements under section 264(e) of the INA, 8 U.S.C. 1304(e).

d. Victims of Crime and Abuse

Comment: Commenters stated that the IFR undermines and threatens the safety of victims of human trafficking and domestic and sexual violence, and law enforcement depends on community cooperation to maintain public safety, which becomes difficult when crime victims are afraid to report crimes or speak to police. A commenter emphasized that immigrant women, particularly those who are ''undocumented,'' are extremely vulnerable to domestic violence, sexual assault, human trafficking, and other violent crimes. The commenter explained that these victims face significant barriers to seeking safety because perpetrators, often U.S. citizens, exploit the victims' immigration status to control them and threaten escalated violence if they seek help. The commenter reasoned that the expanded registration requirements in the IFR create an unnecessary climate of fear in immigrant communities that undermines public safety, as crime victims would avoid contacting police due to fears of penalties, detention, or deportation. The commenter stated that the IFR effectively renders current Violence Against Women Act (VAWA) legal protections for immigrant victims of human trafficking and domestic/sexual violence meaningless. The commenter wrote that the IFR puts immigrant victims with pending applications for protection and those already working with government authorities at immediate risk for deportation or criminal prosecution, removing incentives for immigrant victims of violent crime to seek help. The commenter further noted that the new registration process creates an additional tool for abusive partners to harm victims by establishing what they described as an impossible barrier to safety for immigrant survivors.

A commenter stated that the IFR would cause people to be targeted by ICE before they have had a chance to get trustworthy legal advice, including individuals who have survived human trafficking, and adolescents and young children who have been granted specialized status due to their victimization. The commenter wrote that the IFR would retraumatize these groups by arresting them and forcing them to show documentation. A commenter said that the IFR introduces new requirements that would deter survivors from coming forward, increase the risk of re-traumatization, and make it easier for abusers and perpetrators to maintain control over their victims. A commenter raised specific concerns regarding the impact on survivors of abuse who have received or are seeking humanitarian protection through VAWA, T, or U visas.

A union said that the IFR will chill reporting of serious workplace violations and harm ''applicants'' for U and T nonimmigrant status, in violation of congressional intent of the Victims of Trafficking and Violence Protection Act (VTVPA). The commenter elaborated, discussing various implications of the IFR for U and T visa applicants that the commenter said DHS did not consider. The commenter remarked on unnecessary and unjustified paperwork burdens, a lack of clarity around privacy protections, and ''bad policy'' set forth in the IFR that undoes the victim and witness protection scheme set forth in the VTVPA, triggering adverse immigration consequences, ''intolerable'' abuses against individual alien workers, and harms to all U.S. workers.

A commenter expressed concern about the IFR's lack of privacy and confidentiality protections associated with the registration requirement. According to the commenter, this deficiency could enable abusers to leverage survivors' fears to prevent their access to the immigration system. Multiple commenters remarked that abusers might manipulate, control, coerce, and intimidate survivors by interfering with the registration process, preventing access to necessary technology, obstructing biometrics appointments, or hindering access to legal assistance. The commenter reported that their organization has observed clients struggling to determine whether they need to register and experiencing fear and hesitancy around the registration process.

A few commenters similarly described the existing barriers survivors

[19] See USCIS, ''Disability Accommodations for the Public,'' *https://www.uscis.gov/about-us/disability-accommodations-for-the-public* (last updated Oct. 19, 2022).

experience while submitting requests for immigration benefits, such as: language access; the length and complexity of the forms; ability to gather the necessary documents and evidence to support their claims; and geographical barriers to accessing government offices and legal, community, and financial services. The commenters suggested that the IFR would exacerbate the barriers, fear, and confusion this population already faces. Another commenter added that the broad scope and lack of clear delineation regarding who must register may inadvertently create opportunities for fraudulent actors to exploit vulnerable populations. The commenter stated that despite DHS's ongoing initiatives to combat immigration services scams, in the absence of explicit guidance, individuals may fall prey to scams promising assistance with the registration process, leading to financial loss and further misinformation.

Multiple commenters remarked that domestic or sexual violence perpetrators could manipulate the registration process by erroneously registering survivors or interfering with a survivor's ability to complete registration, including attending biometrics appointments, thus exposing them to criminalization and enforcement. Other commenters noted that abusers might also prevent survivors from carrying proof of registration, exposing them to enforcement under section 264(e) of the INA, 8 U.S.C. 1304(e). A commenter recommended that any registration process provide flexibility for survivors to correct inconsistencies and consider how victimization may impact compliance before conducting enforcement actions based on section 264(a) of the INA, 8 U.S.C. 1306(a).

A commenter noted that immigration-related abuse is a common tactic used by abusers and perpetrators of crime to maintain power and control over victims, citing the National Center for Domestic and Sexual Violence's ''Immigrant Power and Control Wheel.'' The commenter explained that survivors often depend on abusive partners or employers for their immigration status, housing, transportation, income, and access to technology, creating dependencies that abusers intentionally maintain to isolate and control survivors. The commenter stated that these vulnerabilities are compounded in today's digital environment, citing research indicating that 80 percent of stalking victims report being stalked using technology, with over one-third targeted by current or former intimate partners. The commenter said that phones, apps, and digital tools have become weapons for monitoring, harassing, and interfering with survivors' efforts to escape or seek help. The commenter reasoned that the IFR's registration requirements could be manipulated by abusers who might block internet access, withhold necessary documents, prevent survivors from attending biometrics appointments, or deliberately mislead survivors about compliance requirements, causing them to unknowingly fall out of compliance. The commenter wrote that without survivor-specific safeguards, the registration process could become another tool of coercion, placing survivors at further risk of removal or harm. The commenter recommended that if DHS does not rescind the IFR, it should include clear provisions allowing survivors to correct abuser-generated inconsistencies, explain delays or gaps, and avoid penalties for noncompliance resulting from abuse. The commenter emphasized that no survivor should face immigration consequences because of coercion, fear, or manipulation by someone who has already caused them harm.

A commenter also stated that the requirement to possess proof of registration at all times would disproportionately harm survivors of violence who may be fleeing abuse or whose abusers control their documentation as a means of maintaining power and control. The commenter urged DHS to consider factors such as emergencies, victimization, and health conditions in its enforcement actions related to 8 U.S.C. 1304(e).

Response: DHS notes the IFR and this rule have not changed the registration requirements established by Congress. This rulemaking establishes a general registration option available to all unregistered aliens regardless of immigration status to improve registration outcomes for certain groups of aliens.

The INA requires that, with limited exceptions, most aliens in the United States who remain in the United States for 30 days or longer must apply for registration and fingerprinting. Prior to the IFR, most aliens already complied with the registration requirements, however, the IFR and this final rule fill a gap in the regulatory regime by prescribing a registration form for unregistered aliens.

The IFR and this final rule have not changed any current procedures or processes related to aliens who are eligible for and recipients of victim-based immigration relief (specifically, VAWA self-petitioners as well as applicants and petitioners for, and recipients of, T and U nonimmigrant status). Also, the IFR and this final rule have not changed the procedures or practices of DHS agencies to protect against the unauthorized disclosure of personally identifiable information that it collects, uses, or maintains.

DHS notes that if a registered alien does not have immediate possession of his or her evidence of registration, DHS agencies have access to DHS databases to confirm whether an alien satisfies the registration requirement.

DHS recognizes that the immigration processes can be complex and that requestors, including registrants, may still be at risk of becoming victims of scams or fraud. DHS encourages requestors to use the information on the USCIS website to avoid becoming victims of common scams, fraud, and misconduct.[20]

e. Other Populations

Comment: Several commenters stated that individuals with limited English proficiency or limited access to technology or financial access barriers would be exposed to punitive ramifications due to inability to file the Form G–325R electronically. Another commenter also said that the IFR makes no mention of its impact on ''noncitizens'' with limited English proficiency or other language barriers, and noted that the IFR does not account for any translation of the registration forms or instructions.

One of the commenters voiced concern that those with limited English proficiency might inadvertently register when not required to do so, potentially triggering erroneous immigration enforcement actions. Other commenters stated that the rule fails to mention its impact on ''noncitizens'' with limited English proficiency or other language barriers, nor does it account for any translation of Form G–325R or the rule itself.

Response: DHS notes that this rulemaking has not changed the requirement that all aliens 18 years or older in the United States who are required to register must at all times carry with them and have in their personal possession any certificate of alien registration or alien registration receipt card issued to them. These are statutory requirements under section 264(e) of the INA, 8 U.S.C. 1304(e). In addition, this rulemaking does impose

[20] See USCIS, ''Scams, Fraud, and Misconduct,'' *https://www.uscis.gov/scams-fraud-and-misconduct/scams-fraud-and-misconduct* (last visited June 23, 2025).

any new registration or fingerprinting obligations separate from the obligations already contained in the INA.

DHS acknowledges there are costs to registrants associated with the statutory requirements to register. These costs include, but are not limited to, time burden to submit biometrics, and travel costs to go to an ASC. As a result of comments received, a more detailed breakdown of the costs associated with this rule is in section VI, the Statutory and Regulatory Requirements section of this preamble.

USCIS also established a dedicated website with information on the ARR and an ARR Tool that may help aliens determine whether they must register.[21] DHS also notes Form G–325R is a digital form that can be easily accessed through an internet browser or a person's cell phone. Additionally, public libraries and other private and public institutions can provide access to the internet.

DHS notes that USCIS' immigration forms are offered and must be submitted in English.[22] USCIS also provides a PDF copy of Form G–325R for aliens to access before completing the form.[23] An alien may also use the assistance of an interpreter for reading the instructions and questions on the new registration form. If the alien uses an interpreter, he or she must provide the contact information of that interpreter and upload the interpreter's certification and signature when applying for registration.

3. Impact on Aliens' Legal Services

Comment: Commenters stated that as providers of comprehensive legal services to refugees and displaced persons, the IFR would adversely impact their client communities as well as stretch their resources, hindering their mission to expand access to protection, lasting safety, and due process for aliens and displaced persons. Another commenter stated that confusion surrounding the IFR would cause them to expend more resources to investigate which of their clients would require registration. A commenter remarked that their organization has been receiving numerous inquiries from community members asking whether they need to register or not, creating a strain on their resources that could be better utilized helping people to apply for immigration relief.

A commenter said that they would need to screen every individual they encounter, potentially changing intake processes, risk assessment, advisal, and training to determine registration applicability for clients and their family members. The commenter noted that providing competent legal advice would require assessing the IFR's constitutional implications, necessitating expert review and supervision for each case. The commenter remarked that these changes would require additional staff hours, diverting resources from serving more clients. The commenter anticipated clients facing fines and criminal penalties that would require legal advice and rapid response review. Additionally, the commenter expressed concern about potential ''notario'' misrepresentation and abuse, which could defraud individuals acting under faulty registration advice. The commenter concluded this would significantly reduce their capacity to provide services and pursue permanent relief for immigrants and asylum seekers they would normally serve. A commenter said that since providers are overwhelmed across the country due to funding cuts and increased demand for services, it is unlikely that they and other nonprofit organizations would have capacity to assist with registration under the rule, which is needed for many aliens with limited English proficiency, raising a host of fairness concerns.

A commenter similarly wrote that the IFR places heavy administrative, time, and financial burdens on organizations serving immigrants, as they must educate community members and help navigate complex compliance requirements. The commenter described determining registration eligibility as ''extremely time-consuming'' and difficult for individuals who may lack necessary records. The commenter contextualized the IFR within numerous other immigration policy changes, citing alleged confusion created by actions revoking certain grants of parole. The commenter stated that proper notice is impossible if the Administration changes status determinations in real time without resolving ambiguities, concluding that the IFR's requirements could change without due consideration of impacts on immigrant communities and supporting organizations.

A commenter voiced concern that the IFR would be burdensome and limit their ability to fulfill their mission of serving alien communities in New York. The commenter expressed that there is widespread confusion about the rule among immigrant communities, stating that individuals with various immigration statuses have raised questions about the rule's applicability to their particular situations. The commenter indicated that the complexity and rapid implementation of the IFR have created vulnerability to misinformation. According to the commenter, addressing this confusion requires extensive one-on-one consultation with their members, which exceeds their organization's capacity. The commenter stated that their legal team's experience has demonstrated both the complexity of determining registration requirements and the significant barriers to understanding and complying with the rule. The commenter explained, for instance, that determining whether an alien has previously registered requires knowing whether the alien has filed a Form I–485 or Form I–765 and knowing the outcome of such application. The commenter further noted that clients could reasonably be confused about whether they had registered if the client had previously submitted extensive documentation to USCIS that does not qualify as registration under the regulations. The commenter said that for some aliens, the only way to verify their registration status and obtain the documents they must now carry by law would be through a Freedom of Information Act (FOIA) request—which is a multi-step process that can take months, consumes their organization's staff time, and requires maintaining contact. Other commenters also remarked that the IFR would lead to an increase in FOIA requests due to a lack of clarity about who is required to complete the new registration process and would place burdens on immigration attorneys to file FOIA requests.

A commenter stated that the IFR's complexity and inconsistency pose significant challenges to their staff, who cannot confidently advise members on registration requirements in group settings such as committee meetings and workshops that often include dozens of attendees. According to the commenter, the confusing nature of the registration requirement, coupled with its nearly universal impact, undermines their model of providing community education and know-your-rights presentations. The commenter stated

[21] *See* USCIS, ''Alien Registration Requirement,'' *https://www.uscis.gov/alienregistration* (last updated May 6, 2025).

[22] The exception to this general rule is the Form I–9, Employment Eligibility Verification, which is offered in the Spanish language for employers in Puerto Rico only, and is not filed with USCIS. *See* USCIS, ''I–9, Employment Eligibility Verification,'' *https://www.uscis.gov/i-9* (last updated Apr. 2, 2025). USCIS also has a Multilingual Resource Center, *https://www.uscis.gov/tools/multilingual-resource-center,* and a website in Spanish, *https://www.uscis.gov/es/herramientas/centro-de-recursos-multilingues.*

[23] 23 See USCIS, ''G–325R, Biographic Information (Registration),'' *https://www.uscis.gov/forms/all-forms/g-325r* (last updated Apr. 11, 2025).

that with tens of thousands of members, their legal team lacks the capacity to provide individual advice to all potentially affected individuals. A commenter stated that the rule's unclear requirements and lack of a concerted rollout or public education on the part of USCIS impose tremendous burdens on its organization and its members. The commenter said this also creates an environment ripe for fraud.

A commenter said that it would be forced to prioritize helping clients obtain registration documents quickly to avoid enforcement actions, adding that its staff would have to devote more time and resources abiding by such a rule, which would divert capacity to assist with other vital legal services and pathways to relief.

A commenter wrote that Michigan professionals who serve survivors of domestic and sexual violence would be ''left in the lurch'' about what could happen to survivors when they register, adding that without being able to safely provide guidance and avoid unauthorized practice of law, such advocates would struggle to support their clients to stay safe and to keep their children safe. The commenter also stated that Michigan police officers would struggle to secure supportive witnesses in their investigations because survivors would be so fearful of removal that they would not come forward.

A commenter voiced concern about the IFR's impact on organizations like themselves, stating that their organization has already experienced a significant increase in requests for information, legal advice, and assistance from existing clients regarding the IFR's registration and proof requirements. Additionally, the commenter reported increased inquiries and concerns from the broader community, which has interfered with their core function of providing immigration legal services. The commenter explained that the complexity and ''inconsistencies'' of the rule, coupled with its nearly universal impact, mean that even existing clients who may be considered ''registered'' would need legal advice to confidently make that determination. The commenter added that this is particularly true for clients with pending applications or those in mixed-status households where there is greater ambiguity about who needs to comply with the process. The commenter raised concerns about the IFR's impact on their organization's funding and operations. The commenter explained that they receive a significant portion of their funding from grants and contracts that require specific deliverables of immigration legal services, with some contracts paid on a ''per case'' basis and others paid in cycles based on reporting requirements. The commenter said that advising and assisting existing clients and community members around the new rule would not qualify under these grants as deliverables, since those grants fund other specific services. The commenter warned that failure to comply with current grant metrics and reporting requirements due to the diversion of resources to address the IFR may result in the loss of remaining funds under those grants. The commenter expressed concern that this could jeopardize the organization's ability to apply for future grants, potentially leading to staff layoffs and other cost-cutting measures, ultimately reducing their ability to assist existing and future clients.

A commenter wrote that the immigrant registration requirement would present a conflict of interest for their organization and the defense attorneys they work with because it would force attorneys to advise ''noncitizens'' to comply with a law that likely violates the Fifth Amendment right against self-incrimination. The commenter further said that since failure to register can be prosecuted as a misdemeanor, it would be more difficult to accurately advise on the risks and benefits of criminal case dispositions and would complicate plea negotiations. Another commenter said that the IFR creates moral issues for attorneys, who are not going to want to advise their clients not to register because of the associated legal obligations.

Response: DHS understands that organizations may experience an increase in inquiries from client communities, or an expansion of an organization's services to include additional assistance about the alien registration requirement. However, this is often the case with new processes and is not unique to this IFR. DHS disagrees with the characterization that the IFR and alien registration presents legal organizations and defense attorneys with a conflict of interest or moral issues. Legal services providers would presumably advise their clients about the directives of section 262 of the INA, 8 U.S.C. 1302, as they would any other legal obligation.

DHS also notes that the IFR and this final rule have not changed the registration requirements and related obligations established by Congress many decades ago. The statute requires that, with limited exceptions, all aliens 14 years or older who were not registered and fingerprinted, if required, who remain in the United States for 30 days or longer, must apply for registration and fingerprinting. These rulemakings fill a gap in DHS's regulatory regime by establishing a general registration option available to all aliens, regardless of status. DHS believes that this option may improve registration outcomes for certain groups of aliens.

USCIS also established a dedicated website with information on the ARR and an ARR Tool that may help aliens determine whether they must register.[24]

As part of this rulemaking, DHS is also requesting comments on proposed amendments to prescribe certain existing forms with information collection and thorough biometric-based screening and vetting for use by aliens to improve registration outcomes for certain populations of aliens while increasing efficiency and reducing burden for the public and the government. *See* Section V.A of this preamble.

4. Impact on the Immigration System and Government Operations

a. Unclear Benefits to Enforcement Capabilities

Comment: Many commenters said that the IFR fails to provide sufficient evidence demonstrating that the current system is inadequately enforced or that the proposed rule would provide a benefit for enforcement effectiveness or efficiency, public safety, or national security. Multiple other commenters described the rule as unnecessary, highly costly, and ineffective, with several commenters calling for its rescission. A commenter expressed concern that the IFR does not meaningfully distinguish between different immigration statuses, which could lead to confusion and duplicated registrations. A couple of commenters warned that similar registration policies were used during World War II and ''consistently failed to enhance security.'' A commenter described the IFR as ''addressing a problem that does not exist.'' A different commenter reasoned that perpetrators of serious crimes would not be likely to follow the registration requirement, writing that the similar NSEERS registration requirement imposed after September 11th was not productive and that there was no evidence of any terrorist identified through the program. Similarly, a commenter wrote that sweeping registries ''don't make us safer.'' The commenter stated that after September 11, 2001, a similar program

[24] See USCIS, ''Alien Registration Requirement,'' *https://www.uscis.gov/alienregistration* (last updated May 6, 2025).

(NSEERS) targeted Muslim immigrants and failed to produce a single terrorism conviction—while causing lasting harm. They added that true safety comes from trust and smart, targeted policies—not from a fear-based overreach. Another commenter expressed concern that the rule would consume vast amounts of resources for data likely to be of poor quality.

A commenter said that the rule would press immigration authorities to detain more individuals based on the perception of noncompliance, including U.S. citizens, undermining public safety and wasting enforcement resources that should target legitimate security threats. The commenter articulated that the rule lacks evidence to justify the costs to benefit public safety, citing studies indicating that past uses of this section of immigration law do not provide such evidence. Some commenter said the rule would apply more resources to immigration enforcement by flooding courts with low-level administrative cases, which would divert resources away from prosecuting crimes against public safety, such as felonies and other serious crimes and limit agency resources on border enforcement, fraud prevention, and asylum adjudication. Another commenter said the rule's effects would be compounded for immigration enforcement officers in the field, who would be required to spend disproportionate time seeking out and reviewing registration documents rather than focusing on priority enforcement tasks, with consequences for national security and overall public safety.

A few commenters similarly wrote that it is unclear how the rule would significantly improve national security or law enforcement efficacy beyond existing measures. One of these commenters discussed the existing measures at both the State and Federal level to verify employment, driver's licenses, and legal status and cited research from the Migration Policy Institute to demonstrate that measures such as E-Verify and REAL ID are sufficient. A commenter stated that DHS already possesses registration and biometric data for most individuals it interacts with, and the background checks associated with the G–325R form replicate checks already done through visa, asylum, TPS, and employment authorization applications. The commenter stated that, rather than improving DHS's ability to identify threats, the rule may hamper enforcement by overloading systems with redundant data and discouraging cooperation from immigrant communities who fear retaliation for attempted compliance. A commenter similarly said that existing processes and systems already track individuals who interact with immigration agencies and there is no indication that current tracking mechanisms have left DHS unable to identify or apprehend individuals who pose real public safety or national security risks, making this ''sweeping expansion'' both unnecessary and inefficient. Similarly, another commenter urged the Department to focus on improving existing systems rather than creating unnecessary administrative complexities, while a different commenter described the registry requirement as an ''unnecessary overhaul'' of the immigration system.

One commenter expressed concern that the IFR would be impossible to enforce. Another commenter recommended that DHS ensure the proposed registration would not automatically trigger enforcement actions.

Response: The IFR and final rule do not change current procedures but fill a gap in the regulatory regime by prescribing a general registration option available to all aliens regardless of their status and corresponding evidence as proof of that registration. The rule is expected to improve DHS law enforcement efficacy by providing more comprehensive information about the location of aliens in the United States to make it easier and safer for DHS to enforce the law. The increased compliance with fingerprinting requirements provides DHS with additional information about an alien's criminal record, including whether an alien is a known or suspected terrorist. DHS also notes that most aliens lawfully present in the United States are likely already registered. Finally, DHS notes that even if this rulemaking lacked a clear net positive effect on law enforcement efficacy, DHS would pursue this rulemaking consistent with DHS's duty to faithfully implement the alien registration requirements of the INA and the President's direction in E.O. 14159.

b. Government Cost and Misallocation of Government Resources

Comment: Many commenters expressed concern regarding increased DHS costs arising from the IFR and described it as misallocation of government resources. For example, some commenters opposed the use of tax dollars to fund the policing and deportation of individuals fleeing conditions they attributed to U.S. foreign policy. Another commenter recommended against using resources to fund policing practices they viewed as invasive. A couple of commenters wrote that government resources should be directed toward ensuring basic human needs.

A commenter stated that the rule would create an expensive, bloated bureaucracy in an effort to criminalize neighbors if they fall behind on their paperwork and constitutes a waste of resources given that the government already has all the information it needs.

A commenter stated that DHS would need to create a whole new system to keep track of these registrations, creating an undue burden. A commenter stated that, as currently written, any LPR who takes even a 1-hour trip to Mexico could be subject to having to tender their Green Card upon each re-entry and be re-fingerprinted, leading to an ''absurd result'' and waste of time and resources.

One commenter wrote that it would not be an efficient use of resources to institute this registration process, describing it as ''unrelated to the general welfare of Americans nor to the provision of the benefits USCIS already administers.''

Other commenters said the rule's criminal penalties for failing to comply with registration requirements would create a high cost for civil and criminal law enforcement. Describing the difficulty authorities faced in effectively carrying out the NSEERS program and its financial costs, a commenter wrote that this history and the lack of a clear and manageable method of implementing the various aspects of the program should be informative to the IFR and its potential financial implications, as the impending registration requirement would require multiple agencies and authorities to troubleshoot the various aspects of the program. Some commenters wrote that the IFR would lead to more litigation and abuse, with an individual commenter expressing concern about ''legal fees'' DHS might incur and become a ''waste of taxpayer money.''

Response: With this IFR and final rule, as always, DHS strives to be fair and efficiently execute the laws established by Congress. This rulemaking addresses a gap in the existing regulatory regime and ensures that there is a way for all aliens, regardless of their immigration status, to comply with their duty under the law and to improve overall registration outcomes.

To address the resource and efficiency concerns of the comments, the Form G–325R process is entirely electronic. Anyone issued Form I–94 or I–94W upon their admission or parole to the United States is already registered. LPRs

who reenter the United States after a temporary absence abroad have generally already been registered as they are in possession of a Form I–551 (''a green card'') and are generally not seeking admission to the United States. *See* INA sec. 101(a)(13)(C), 8 U.S.C. 1101(a)(13)(C).

The statute requires an alien to provide fingerprints, unless waived, as part of the registration process, and in general, USCIS has not seen any significant delays or inefficiencies in biometric collection services. Section VI.B.3 of this preamble provides further discussion on the estimated cost to the agency of this rulemaking.

To the extent that the commenters suggest that DHS should not fully administer and enforce the alien registration requirements of the INA, DHS respectfully disagrees. Furthermore, the rule does not obligate additional enforcement of the existing statute DHS will administer, enforce, and faithfully execute these laws consistent with DHS's statutory duties under the INA, and as directed by the President, which includes defending against challenges from those who would prefer that the government not enforce these laws. DHS does not believe that defending the faithful implementation of immigration laws, as passed by Congress, against legal challenges is a waste of government resources, but instead is part of the government's mandate.

Comment: A few commenters expressed general concerns that the IFR would support government corruption and inappropriate usage of the immigration system. One of the commenters wrote that the requirement could lead to an increase in officers within the immigration system abusing their position of authority and that the government is trying to appear effective without being effective.

Response: As part of E.O. 14159, President Trump made it a priority to enforce the registration requirement in accordance with the law, and to publicize information about the duty of aliens described in section 262 of the INA, 8 U.S.C. 1302, to register and be fingerprinted (if required), as well as the related requirements to carry such evidence of registration and notify DHS of changes of address.

The goal of the IFR and final rule is to faithfully implement the alien registration requirements of the INA. DHS seeks to better ensure that aliens understand their duty under the law and have a path to satisfy that statutory duty through the new general registration process and form. Speculation about potential future misuse of authority or other malfeasance by government officials is beyond the scope of this rulemaking. This rulemaking does not set enforcement policy and cannot reasonably be expected to comprehensively account for such activity.

c. Duplicating Existing Processes and Exacerbating Backlog

Comment: Many commenters wrote that the IFR does not adequately address how DHS would handle the massive influx of registrations and the associated administrative and enforcement costs of the rule, as well as impacts to the existing backlog and other essential DHS functions. Many commenters also expressed concern that the new registration system would further burden an overwhelmed system and exacerbate the USCIS backlog, resulting in negative effects, such as loss of protection, delays in visa and petition processing, and interruption in employment authorization.

Many commenters similarly stated that requiring millions of people to register and enforcing proof of registration would increase administrative costs for DOJ and USCIS, including costs for personnel, training, and materials; they said the latter agency already has severe backlogs in processing several benefit categories. Likewise, a commenter stated that creating, maintaining, and enforcing compliance with a massive registration regime would be extraordinarily costly and require new bureaucracy, increased surveillance, and extensive enforcement operations to act on the data collected, thus overwhelming DHS resources and layering on to existing backlogs. A commenter stated that the significant challenges USCIS already faces in processing Form I–765 filings would only become more acute if resources are diverted to process millions of Form G–325Rs, thus increasing current EAD processing backlogs and harming workers, businesses, and the overall economy in the process. A few commenters encouraged DHS to focus on other priorities, including improving efficiency within the existing system, such as reducing the case backlog, instead of expanding alien registration requirements.

A commenter stated that DHS does not have the necessary resources for increased logistics, staffing, training, and developing and maintaining a system, adding that if DHS does currently have the funding, the government could put it to better use in other departments within the government '' to improve services, staffing, training, etc.'' A commenter also noted that the IFR would create unnecessary administrative burden for DHS employees during a period of Federal job reductions. Several commenters critiqued the rule for its lack of discussion on the current backlog at USCIS or how the rule would affect this backlog. Commenters expressed concern that USCIS is already experiencing significant backlogs in processing various applications, including asylum applications, Special Immigrant Juvenile (SIJ) status petitions, and other immigration benefits. Commenters also critiqued the IFR for its lack of discussion on the potential costs of adding ''significant'' additional workload to the overburdened state of USCIS, describing the ongoing economic damage of the backlog across benefit categories.

One of the commenters wrote that the government collects extensive biometric and biographic data through multiple agencies. Some commenters stated that many aliens are already registered, including individuals who have been granted or applied for lawful permanent residence, received a Form I–94 when arriving in the United States, were issued an EAD, or were issued a nonimmigrant or immigrant visa prior to their most recent arrival in the United States. Similarly, a commenter said relevant information is already collected via longstanding forms such as I–94, I–485, I–589, and I–765. The commenter stated that this rule fragments the system further, confusing both applicants and government agencies, creating overlap with existing databases and identification mechanisms, thus directly contradicting calls for immigration system streamlining. The commenter urged DHS to develop registration mechanisms that integrate with existing forms and databases, rather than creating redundant and confusing parallel systems.

Multiple commenters similarly expressed concern with the requirement for asylum applicants, Temporary Protected Status (TPS) holders, and others who have applied for humanitarian benefits not currently listed as a registration form, to submit the G–325R. A commenter noted that this duplication places a significant and unnecessary burden on DHS employees at a time when the Federal Government is cutting jobs.

A commenter stated that numerous immigration forms that require biometrics upon receipt as part of the form's application process are not listed as acceptable forms of registration, writing that this omission shows that this type of mandatory registration is outdated and unnecessary. For example,

the commenter said Form I–589 is not included on the list of accepted forms, but as part of the asylum process, all applicants must disclose extensive biographical and demographic information on Form I–589 and also complete the biometrics process. Therefore, the commenter reasoned that to consider asylum applicants as ''not registered'' is unreasonable and arbitrary and that the same argument would hold for a variety of different immigration forms and application processes, including U and T visas, SIJ, and VAWA relief. The commenter concluded that to force asylum, U visa, T visa, SIJ, and VAWA applicants to register using the G–325R would be a waste of government resources and time since the government already has the same information that is being asked for in the G–325R.

Response: DHS has an obligation to faithfully execute the laws established by Congress, including the alien registration requirement. The statute requires most aliens who remain in the United States for 30 days or longer to apply for registration and with some exceptions based on age or nonimmigrant status, be fingerprinted. DHS, with the IFR and this final rule, has not created or modified the statutory requirements of an alien's duty to register with the government under section 262 of the INA, 8 U.S.C. 1302.

In general, the IFR has not caused any significant processing delays or an increase of backlogs on other immigration benefits processed by USCIS. DHS purposefully streamlined the process by which unregistered aliens may register and comply with the law as required by the INA to benefit aliens and USCIS. The Form G–325R process is entirely electronic. Unlike paper filings, an unregistered alien submits information through the electronic process and is automatically prompted to provide necessary information to complete his or her registration. An alien obtains evidence of registration (USCIS Proof of Alien G–325R Registration) almost instantly after applying for registration or after providing biometrics, if required. In the alien's myUSCIS account, he or she will be able to download and print a PDF version of the evidence of registration (USCIS Proof of Alien G–325R Registration), which is of significance in light of the requirement in section 264(e) of the INA, 8 U.S.C. 1304(e), that all aliens 18 years or older in the United States who are required to register must at all times carry with them and have in their personal possession any certificate of alien registration or alien registration receipt card issued to them. The electronic processing of the Form G–325R eliminates manual intake processing that includes opening envelopes of a mailed submission, checking forms against acceptance criteria, and scanning the documents to convert them into electronic format or otherwise entering form responses into USCIS systems. Manual intake processing is more time-consuming and burdensome for the agency and could lead to delays in processing and data integrity issues. The electronic processing of Form G–325R has enhanced automated services for unregistered aliens and USCIS. This process has not created any significant processing delays and has not required reallocation of resources from other workloads in USCIS.

At this time, under 8 CFR 264.1(a) and (b), aliens who have filed the Form I–589, Application for Asylum and Withholding of Removal, and other forms that are not enumerated in the existing regulations, are not considered to be registered. DHS notes that Form I–766, Employment Authorization Document, is listed as evidence of registration at 8 CFR 264.1(b). Many asylees, asylum applicants, TPS applicants, and other aliens have received such evidence of registration.

DHS is aware that there are areas of the existing regulations that could be improved, including amending the list of forms prescribed as registration forms in 8 CFR 264.1(a) and the list of forms constituted as evidence of registration in 8 CFR 264.1(b). As part of this final rule, DHS is requesting comments on various ways to amend the DHS regulation to improve implementation of the registration requirement under section 262 of the INA, 8 U.S.C. 1302. *See* section V of this preamble.

5. Impact on Communities and Public Safety

a. Impacts and Implications for Law Enforcement and Participation in Community Safety

Comment: Many commenters expressed concerns that the rule would undermine public safety and law enforcement effectiveness. A commenter stated that communities across the country rely on a strong relationship with law enforcement officers; they said the IFR threatens that relationship due to the increased threat or perception of wrongful arrests, which would lead to a downward spiral of eroding trust impacting both U.S. citizens and aliens. Similarly, a different commenter expressed concern that enforcement agencies would be unable to distinguish between immigrants of different registration statuses and that there would be an increase in false arrests. With regard to trust, commenters wrote that the policy would damage community trust in law enforcement, subject both U.S citizens and lawfully present aliens, including LPRs, to wrongful arrests and detentions, and place additional strain on the immigration legal system without achieving meaningful public safety benefits. One commenter wrote that the current administration has already engaged in ''haphazard and aggressive pattern of enforcement actions,'' and that ''this IFR will only fuel the alarming enforcement practices commonplace in this administration.'' In connection with their stated concerns about public safety, some commenters wrote that aliens commit crime at lower rates than U.S. citizens.

Separate commenters wrote that the policy would pave the way for widespread abuse without improving community safety, with others adding that it would impede cooperation with law enforcement, make communities less safe, and also undermine officer safety. As an alternative to the IFR, a commenter recommended concentrating on improved coordination with local law enforcement agencies on tailored cooperation and focusing resources on the most serious national security and public safety threats, rather than registering and pursuing millions of aliens indiscriminately. A different commenter suggested that policymakers should pursue immigration policies that benefit the economy and increase public safety and prioritize the removal of legitimate public safety threats over individuals without a criminal record.

A commenter wrote that the IFR is expected to divert law enforcement from essential duties. The commenter warned that local officers directed to enforce the requirement to carry evidence of registration would need to engage in ''complex interactions with considerable fourth and fifth amendment entanglements without appropriate funding for training in immigration requirements,'' reducing overall public safety efficacy. With regard to police, a commenter stated that they are not trained in immigration law and may struggle to differentiate if someone is properly registered, potentially leading to false charges and litigation. The commenter cited a 2008 report from the Goldwater Institute stating that the effectiveness of the Maricopa County, Arizona Sheriff's Department ''was compromised by misplaced priorities,'' including immigration enforcement.

A commenter stated that law enforcement officials themselves have expressed concern about the impact of immigration enforcement on community trust, in particular when people are unwilling to or fearful of calling the police, report victimization, or cooperate as witnesses, it increases the vulnerability of everyone in the city to victimization. A commenter said that because of the severe penalties for not having registration, immigrants would be reluctant to have any contact with law enforcement officials, even if they are victims or witnessed a crime.

Many commenters stated that mandatory registration might deter individuals from seeking essential services, seeking help, or reporting crimes. For example, one of those commenters cited research that, per the commenter, showed that Hispanic community members were 30 percent less likely to report crimes during the implementation of Secure Communities, a 2008 program that automatically forwarded fingerprints of all arrestees to DHS. The same commenter noted that a review of local cooperation in Federal enforcement programs found that ''none reduced violent crime [and] on the contrary, two of the arrangements significantly increased a person's risk of experiencing violent crime.'' Another commenter wrote that the IFR makes communities less safe by creating a hostile environment for immigrants, affecting both immigrants and U.S. citizens. They said this could result in over-policing and stated that mandatory registration might deter ''noncitizens'' from reporting crimes, therefore undermining public safety and allowing crimes to go unreported, which impacts the broader community.

Expressing agreement with this viewpoint, another commenter wrote that there would be a ''dramatic'' spike in detention and deportation. They also wrote that USCIS fails to consider the impact of arbitrary and discriminatory searches, seizures, detentions, and deportations premised on the rule and the impacts on ''noncitizens'' and U.S. citizens alike. Numerous commenters expressed concern that the IFR would harm or instill fear in immigrant communities. A commenter stated that the rule may cause aliens who are already legally registered using other registration forms to be increasingly fearful and uncertain. A commenter wrote that fear among alien communities is being exacerbated by the administration's ''threatening'' rhetoric and by the tactics employed in immigration enforcement. Numerous commenters raised concerns that fear stemming from the IFR would lead to deterioration of trust in the immigration system and potential chilling effects on aliens' access or willingness to engage with public services, health care, the legal system, or legal immigration processes. For example, a commenter discussed potential fears that registering could expose individuals to future enforcement actions, deportation proceedings, or discriminatory treatment, and stated that the rule exacerbates fears, rather than addressing legitimate concerns transparently. Other commenters stated that the IFR would generally discourage civic participation or limit access to social services, because aliens are being treated with suspicion, rather than as valued members of society.

Response: DHS disagrees that the IFR negatively impacts public safety and participation in community safety, puts an undue burden on law enforcement, or would divert them from performing their essential duties. The alien registration requirement is not new. For the last 85 years, the laws of the United States have required most aliens present in the United States who remain for 30 days or longer to register and, with some exceptions based on age or nonimmigrant status, be fingerprinted. The requirement that aliens register and update their address with the government within 10 days of moving, and the requirement that aliens issued evidence of registration carry such evidence on their person, were also established by Congress in the middle of the 20th century.[25] DHS, with the IFR and this final rule, has not created these requirements or modified the duties established by Congress for aliens. Similarly, this IFR did not create or modify the criminal penalties established by Congress many decades ago that apply when aliens fail to meet their registration and related obligations. This rule is consistent with E.O. 14159 and the alien registration requirements in sections 262 through 265 of the INA, 8 U.S.C. 1302 through 1305, and establishes a general registration option available to all unregistered aliens regardless of immigration status. It is within Congress' control and its policy choice to change the statutory registration requirement.

Furthermore, the rule does not obligate additional enforcement of the existing statute. The rule also does not oblige the removal of any unauthorized alien from the country. The rule establishes that those aliens that have not registered through other means can now register using Form G–325R. As explained in the IFR, the rule is expected to improve DHS law enforcement efficacy and to provide more comprehensive information about the location of aliens in the United States. Further, it will make it easier and safer for DHS to enforce the law and increase alien compliance with statutory fingerprinting requirements. These biometrics would provide the Department with additional information about an alien's criminal record, including whether the alien is a known or suspected terrorist.

b. Impacts on Communities

Comment: Commenters stated that registration programs do not make communities safer but instead undermine community wellbeing, harm the community, drive families into hiding, and weaken the community instead of strengthening it. While expressing opposition, a commenter generally wrote that the rule would ''attack our community.''

Commenters further wrote that the rule would make people afraid to send their children to school, leave their homes to go to work, and contribute to their communities. For example, a commenter, stating that they are a teacher, said that a public registry of immigrants would make it impossible for their students to attend school every day, and they expressed fear for their own safety if the registry were implemented.

Multiple commenters condemned the proposed registration process as unjust and infuriating, while others said it would destabilize communities, with another criticizing the policy as dangerous, saying that paperwork errors are harming innocent peoples' lives. Commenters added that registration programs do not make communities safer but instead would lead to civic disengagement and community divestment. Expressing a similar opinion, a commenter wrote that the IFR would impose unclear and punitive bureaucracy on immigrant workers and establishes a one-size-fits-all regulatory structure that does not differentiate between high-risk and low-risk individuals or those with legal protections and those without. They said this approach encourages disengagement from lawful processes, undermining both public safety and economic participation.

Commenters wrote that people deserve to live safely in their communities, with a commenter saying immigrants are integral to all corners of

[25] The Alien Registration Act of 1940, also known as the Smith Act, required all aliens in the United States beyond 30 days to apply to register and to be fingerprinted. *See* Public Law 76–670, 54 Stat. 670 (June 28, 1940).

life, including their neighborhood. A commenter generally stated that they oppose the alien registration as it would be a disservice to the American people to ''implement such a task.''

Referring to personal experience, a commenter stated they live in a city with many aliens who contribute to the economy. They expressed concern about the potential separation of families and loved ones due to the new process, which they regarded as unjust. A commenter wrote that with their 45 years of experience in fostering learning and intercultural community, they recognize the widespread harm that would result if the IFR were implemented. Expressing opposition and without specifics, another commenter wrote that the rule is a step deeper into fascism and would hurt communities and the country at-large.

Commenters wrote that they value immigrants as important members of their communities and support their ability to remain in the United States while navigating the lengthy and complex citizenship process.

Response: This rulemaking has not changed the existing statutory registration requirements established by Congress. For many decades, the laws of the United States have required most aliens present in the United States who remain for 30 days or longer to register, and with some exceptions based on age or nonimmigrant status, be fingerprinted. The statute further requires that all aliens 18 years or older in the United States who are required to register must at all times carry with them and have in their personal possession any certificate of alien registration or alien registration receipt card issued to them. Most aliens in the United States already complied with the alien registration requirement prior to the publication of the IFR and related information collection. The IFR fills a gap in the DHS's regulatory regime by prescribing a registration form available to all aliens regardless of their immigration status and corresponding evidence as proof of that registration. DHS believes that this general registration option may improve registration outcomes for certain groups of aliens.

c. Impact on Academic Communities

Comment: With regard to university communities, some commenters wrote that student enrollment would be affected by the rule, with one of those citing research highlighting the impact of restrictive immigration on education. Another commenter said the United States is a top destination for individuals seeking to build skills and engage in intellectual exchange, adding that ''noncitizen'' students, graduates, and researchers enhance the U.S. workforce, economic competitiveness, and global leadership. The commenter wrote that on college campuses, both short- and long-term visitors enrich learning, advance knowledge, drive innovation, and offer fresh perspectives that benefit communities and the nation. Further, they wrote that the registration requirement could discourage immigrant populations, including immigrant students, scholars, and workers, from enrolling or seeking employment at U.S. higher education institutions. They continued, saying that this reduction in participation would negatively impact U.S. innovation and research, harming global competitiveness. The commenter said that countries with more predictable and readily intelligible immigration systems would have an advantage in recruiting top talent, contributing to recent trends that see international students and graduates choosing competitor countries over the United States. Additionally, they remarked that it would affect surrounding communities that rely on the economic and social contributions of students, faculty, and staff. They concluded that the United States risks losing both immediate consumer spending and long-term intellectual and social contributions from ''noncitizen'' communities.

Response: DHS, with the IFR and final rule, has not changed the existing statutory registration requirements established by Congress for aliens. This longstanding statute has always provided that most aliens over the age of 14 who remain in the United States for 30 days or longer must apply for registration and to be fingerprinted before the expiration of the 30 days. *See* INA sec. 262, 8 U.S.C. 1302.

DHS notes that many aliens in the United States have already registered, as required by law. Any alien who was issued an immigrant or nonimmigrant visa and at his or her most recent arrival was admitted into the United States using that visa is registered. This includes aliens who are nonimmigrant students or exchange visitors.

D. Legal Issues and Statutory Provisions

1. General Legal Authority and Legality of the IFR

Comment: Many commenters discussed and compared alien registration under section 262 of the INA, 8 U.S.C. 1302, to NSEERS, a program implemented after 9/11, stating that past attempts to enforce similar policies led to the disproportionate targeting, detention and deportation of U.S. residents, and increased discrimination.[26] For example, a commenter remarked that while NSEERS rarely resulted in criminal prosecution, prosecution is a major component of this IFR. Commenters also stated that NSEERS led to prolific racial, ethnic, and religious discrimination and many legally questionable outcomes, including possible First and Fourteenth Amendment and civil rights violations. A commenter remarked that NSEERS resulted in over 13,000 people being placed in removal proceedings, yet produced no convictions for terrorism, contrary to the purported purpose of the program. Comparing NSEERS to the IFR, a commenter stated that an Office of Inspector General report in 2012 found that the NSEERS was ineffective and duplicative of existing, more reliable methods of information gathering. The commenter stated that the IFR's registration system would face similar problems, such as difficulty for registrants to adhere to requirements due to system outages and delays and other technical glitches and lack of access (*e.g.,* technology and language barriers) in its online-only model.

Response: The IFR and this final rule serves a different purpose than NSEERS, which primarily established criteria for the registration of special groups under section 263 of the INA, 8 U.S.C. 1303. In contrast, the IFR merely identifies an additional registration form related to general registration requirements that already apply. The goal of the IFR and this final rule is to ensure that aliens have a straightforward way to satisfy their obligation to register. The Form G–325R is available to all unregistered aliens regardless of immigration status, religion, nationality, or race. Comments regarding technical difficulties with the online G–325R are addressed in more detail in section III.F.2.b of this preamble.

2. Legal Basis for the IFR

Comment: A commenter indicated that while the INA includes registration provisions, the IFR would exceed the law's intended administrative functions and would weaponize registration to effect mass removals. Another commenter wrote that the IFR exceeds sections 262 through 264 of the INA authorities, remarking that those provisions govern entry documentation, not retroactive registration of

[26] NSEERS was a special registration program implemented by the U.S. government and former INS after the September 11, 2001 terrorist attacks, requiring nonimmigrants from selected countries to report to INS. *See* 67 FR 52584 (Aug. 12, 2002).

individuals already residing in the United States. Many commenters criticized the IFR as an attempt to facilitate the removal of individuals under the Alien Enemies Act,[27] which they stated the President has invoked illegally or improperly, and for the purpose of terrorizing aliens with removal and criminal penalties, and removing and detaining individuals without due process solely based on national origin or perceived threats Another commenter wrote that the Department should not implement any registration requirements until the administration ''complies with existing laws, rules, regulations, and court orders.''

Response: DHS disagrees with the assertion that the intent of the IFR is to ''weaponize registration to effect mass removals,'' or to terrorize aliens or remove them without due process. This rule is also unrelated to the Alien Enemies Act. Section 262 of the INA, 8 U.S.C. 1302, simply requires registration and fingerprinting of aliens in the United States for 30 days or more, which is well within this nation's sovereign prerogative to require. This rule addresses a gap in the existing regulatory regime and ensures that all aliens, regardless of their immigration status, have a way to comply with their duty under the law. The Department has a duty to implement the registration requirements and administer and enforce all the immigration laws of the United States.

a. Claims That the Rule Is Based on Outdated or Racist Laws

Comment: Several commenters expressed their opposition to the registration of aliens by citing to examples of historic use of registration as an explanation as to why they believe that the IFR would result in violations and harm to the immigrant and U.S. communities, as well as the Federal Government, and why registration is an ineffective method of keeping the United States safe. For example, a commenter wrote that during World War II the Alien Registration Act of 1940 required aliens to register with the Federal Government or face imprisonment or fine. Specifically relating to World War II, commenters noted that by early 1942, the U.S. Department of Justice (DOJ) had arrested 2,192 Japanese, 1,393 German, and 264 Italian nationals, and that this law also led to the internment of over 120,000 individuals of Japanese descent, including U.S. citizens. Several commenters similarly expressed general concerns about the Department invoking the statute that led to internment use during World War II for modern immigration issues. Citing to research, commenters indicated that U.S. internments during World War II caused trauma with long-lasting effect, and were later found to not be supported by military necessity. Commenters wrote that racism, war hysteria, and failure of political leadership led to grave injustice to communities.

A commenter stated that while the Supreme Court originally upheld the practice of the imprisonment of thousands of Japanese residents during World War II in *Korematsu* v. *United States* (1944),[28] it repudiated that decision in *Trump* v. *Hawaii* (2018),[29] when the first Trump administration cited to *Korematsu* in its defense in a lawsuit over a travel ban on certain people groups.[30] Commenters also remarked that the ''invasion'' narrative has been part of xenophobic, discriminatory, and anti-immigrant rhetoric for over a century, citing to examples such as the ''Chinese Invasion'' in 1873 that incited hate against Chinese immigrants and paved the way for the Chinese Exclusion Act of 1882 or the Immigration Act of 1924. Other commenters stated that the IFR reanimates a World War II-era policy originally invoked during a time of war, which they said no longer aligns with the values and needs of a modern and diverse society.

Response: On January 20, 2025, President Trump issued E.O. 14159, Protecting the American People Against Invasion, which directed DHS to ensure that aliens comply with their statutory duty, as provided by Congress, to register with the government under sections 262 through 265 of the INA, 8 U.S.C. 1302 through 1305. *See* 90 FR 8443, 8444 (Jan. 29, 2025). The President further directed DHS and DOJ to ensure that failure to comply with the registration requirement is treated as a civil and criminal enforcement priority. *See* 90 FR 8443, 8444 (Jan. 29, 2025).

Many aliens in the United States have already registered, as required by law, through a variety of pathways identified in 8 CFR 264.1 or through the visa application process with State. However, a significant number of aliens present in the United States, including many who have not previously been encountered by DHS, have no straightforward way to register and meet their registration obligations under section 262 of the INA, 8 U.S.C. 1302. Despite the history cited in the comments, Congress specifically included alien registration requirements in the INA of 1952, well after World War II had ended. Congress made the policy choice to require registration; DHS is merely administering and enforcing longstanding legal requirements, consistent with the President's direction. The purpose of establishing the new form, G–325R, Biometric Information (Registration), is not to target racial groups or for other discriminatory purposes, but to create an online process by which unregistered aliens may register and comply with the alien registration provisions of the INA. As explained in the IFR, DHS does believe that one of the benefits of the designation of a general registration form option is that it will improve the registration outcomes for aliens, which in turn will result in improved law enforcement efficacy. *See* 90 FR 11793, 11797 (Mar. 12, 2025).

Comment: Many commenters expressed concern with the statutory basis for the rule, with many stating that the alien registration requirements of the INA: (1) are obsolete or misaligned with the current immigration landscape; (2) originated in a different historical context; (3) are not well suited to address the current U.S. immigration system; or (4) do not align with modern values of inclusivity, fairness, and human rights. Commenters stated that the United States has effectively abandoned universal registration for the past 75 years, and that after the overhaul of federal immigration law in 1952 and 1965, the U.S. Government shifted registration into regularized immigration applications and enforcement.

Many commenters believed that mandatory registration is not commensurate with, nor reflective of, modern immigration law and practice, and is contrary to the intent of our current laws. For example, commenters remarked that the IFR essentially revives a policy deemed unnecessary

[27] *See* 50 U.S.C. 21 *et seq.*

[28] 323 U.S. 214 (1944).

[29] 585 U.S. 667 (2018).

[30] The commenter correctly noted the Supreme Court found that *Korematsu* v. *United States,* 323 U.S. 214 (1944), was gravely wrongly decided, overruled in the court of history, and that the decision has no place in law under the U.S. Constitution. *See Trump* v. *Hawaii,* 585 U.S. 667, 710 (2018). However, the Court also explained that *Korematsu*—which dealt with the ''forcible relocation of U.S. citizens to concentration camps, solely and explicitly based on race''—was unlawful and outside the scope of the Presidential authority. *Id.* The Court also found that *Korematsu* had nothing to do with the proclamation at issue, which prevented entry of nationals who could not be adequately vetted and inducing other nations to improve their practices. *See id.* Similarly, registration has nothing to do with *Korematsu.* Implementing the registration provisions codified by Congress is neither objectively unlawful nor outside the scope of the President's or DHS's authority.

and irrelevant to the country's postwar immigration framework. Commenters, expressing concerns with the IFR, stated that the Alien Registration Act of 1940 (also known as the Smith Act) had been dormant, and not operationalized on such a large scale as the IFR since 1940, and that it would have negative economic and societal costs while providing minimal benefits to Americans and the United States. Commenters similarly remarked that the IFR marks a stark departure from the narrow application of the registration statute over the past 80 years and that the World War II-era independent registration process reflected in the statute has been abandoned since 1950.

Other commenters wrote that the administration is ''weaponizing once unenforceable and obsolete laws'' rooted in wartime xenophobia, and with the IFR, is undermining democracy, freedom, and human rights, and is proliferating ''inhumane and racist'' immigration policies. Commenters suggested that DHS remove 8 CFR part 264 entirely due to the ''obsolescence of the underlying legal regime.''

Some commenters stated that the IFR is an inappropriate way to apply the Smith Act in today's immigration context because the country is not at war and the Smith Act's purpose and intent, which was based on World War II policies, was to protect the United States from potential invasion by an enemy power and prevent communists who sought to overthrow the U.S. Government from immigrating. Thus, commenters concluded that the Smith Act was created in a vastly different context, while the current circumstances involve individuals and families who have been living and contributing to society for years, including those who are waiting for a resolution regarding their asylee or refugee status. In light of these concerns, many commenters stated that the registration requirement should be either rescinded or modified. A commenter suggested that Congress should have a ''proper discussion'' around this and other immigration policies.

A commenter wrote that while registration requirements were added to the INA in 1952, the government has not previously leveraged these provisions to support a separate, national registration process applicable to all aliens. Instead, the commenter said, DHS regulations have identified various immigration forms that constitute evidence of registration, such as Form I–94 (Arrival/Departure Record), Form I–862 (NTA), Form I–766 (EAD), and Form I–551 (Permanent Resident Card), among others. The commenter expressed concern that, prior to the IFR, the government did not maintain another process for individuals not covered by the enumerated forms to register, yet, this rule would require millions of people, including children, to interpret the IFR's complex provisions and complete a separate form requesting information with bearing on their cases for immigration relief, without guidance or legal assistance.

Response: Since 1940, the laws of the United States have required most aliens present in the United States who remain for 30 days or longer to register, and with some exceptions based on age or nonimmigrant status, be fingerprinted. DHS agrees that the law was enacted at a different time in history, but this is true of many laws and many provisions of the INA. Since the time Congress first enacted the Smith Act, Congress has codified alien registration requirements into the INA in 1952 and subsequently amended the INA many times without eliminating these requirements. To offer a non-exhaustive list, Congress amended section 262 of the INA, 8 U.S.C. 1302, in 1994, *see* Public Law 103–416, title II, sec. 219(n) (Oct. 25, 1994) (technical correction); in 1988, *see* Public Law 100–525, sec. 8(h) (Oct. 24, 1988) (adding fingerprinting waiver authority); and in 1986, *see* Public Law 99–653, sec. 9 (Nov. 14, 1986) (technical correction). And Congress amended section 264 of the INA, 8 U.S.C. 1304 in 1996, *see* Public Law 104–208, Div. C, title IV, sec. 415 (Sept. 30, 1996) (authority to require aliens to provide their Social Security numbers (SSNs)), and in 1990, *see* Public Law 101–649, title V, sec. 503(b)(2) (Nov. 29, 1990) (adding reference to information sharing under section 287(f)(2) of the INA, 8 U.S.C. 1357(f)(2)). And as part of a 2008 law extending U.S. immigration laws to the Commonwealth of the Northern Mariana Islands, Congress provided the Secretary with additional alien registration authority and specifically clarified that ''[n]othing in this paragraph shall modify or limit section 262 of the Immigration and Nationality Act (8 U.S.C. 1302) or other provision of the Immigration and Nationality Act relating to the registration of aliens.'' 48 U.S.C. 1806(e)(3).

DHS and State have continued over the years to provide ways for many aliens to register by providing several pathways to do so and made changes to the registration provisions in the regulations to reflect current procedures and processes. However, following the issuance of E.O. 14159, DHS was aware that there was a gap in the existing regulatory regime that made it difficult for some aliens to comply with the registration requirement. The President is charged with taking care that the laws be faithfully executed, and by establishing this general registration form and process, DHS is faithfully executing these laws.

Comment: A commenter listed other U.S. laws or programs that they compared to the IFR and that they said were discriminatory, including the Johnson-Reed Act (1924), the Relatives Rule (1941), and the Bracero programs (1917–21 and 1942–64). Other commenters, while criticizing the legal and constitutional basis for the IFR, likened it to historical discriminatory legal regimes abroad, such as those in Nazi Germany or apartheid-era South Africa.

Response: The historically discriminatory regimes abroad do not correlate to the alien registration requirement. Furthermore, DHS disagrees that the U.S. laws or programs cited by the commenter are comparable to the alien registration requirement. Unlike the alien registration requirement, the referenced laws or programs were either repealed or were not incorporated into the INA. The alien registration requirement was incorporated into the INA periodically updated by Congress, with the most recent updates in the 1990s.[31]

b. E.O. 14159, Sec. 7

Comment: A commenter objected to the IFR, stating that it is based on an E.O. containing ''broad mandates and inflammatory, xenophobic language.'' Questioning the legal basis of the rule, a commenter stated that the E.O. that the rule implements is unlawful. The commenter wrote that the E.O. seeks to characterize ''lawful and necessary'' migration driven by persecution, war, famine, and natural disasters as an ''invasion.'' The commenter added that if the government's true intent were to remove violent criminals, it could accomplish this by cross-referencing State criminal databases and focusing on removing these individuals. Instead, the commenter wrote, the IFR would criminalize refugees and asylum seekers. Other commenters stated that the E.O. is ''inherently founded in race-based prejudice.''

Response: DHS disagrees with the commenters and notes that the language choices in the E.O. have no impact on the lawfulness of implementing section 7 of the E.O., which merely directs DHS and other agencies to faithfully execute

[31] *See* Public Law 103–416, 180 Stat. 4305, 4317 (Oct. 25, 1994).

the laws established by Congress relating to alien registration.

c. Major Questions Doctrine and Congressional Intent

Comment: Commenters indicated that the IFR addresses a question of major national significance and is not clearly supported by clear congressional authorization, such that courts should apply the ''major questions doctrine'' when evaluating the rule's lawfulness. A commenter reasoned that the IFR imposes a registration obligation that impacts between 2.2 and 3.2 million people, with the likely purpose of removing individuals and conferring criminal penalties on those who fail to register. This commenter, as well as others, stated that the IFR effectively criminalizes unlawful status, which has historically been a civil offense. The commenter wrote that Congress had considered creating criminal penalties for unlawful presence in the United States in the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005 but rejected doing so.

The commenter observed that Congress' alleged failure to criminalize unlawful presence, combined with the general and long-standing shift in the use of registration, indicated that the IFR creating such criminal penalties is contrary to congressional intent and the purpose of the statute. Citing *West Virginia* v. *EPA,* 597 U.S. 697 (2022), the commenter opined that the IFR uses an outdated and dormant national security provision to effect a major policy change, violating the major questions doctrine. Therefore, the commenter concluded that its issues should be left to Congress to consider for legislation.

A commenter stated that the IFR created a ''two-track registration system'' under which an alien would either admit to the crime of illegal entry by submitting Form G–325R or be guilty of failing to register. The commenter suggested that this approach is inconsistent with ''the single-track registration system created by Congress,'' under which Congress contemplated that aliens would be able to register without needing to admit to any crimes.

A few commenters stated that the IFR represents a ''betrayal'' of the mission with which Congress charged USCIS as an immigration benefits and adjudications agency, insofar as registration is an immigration enforcement tool for DHS and the administration.

Response: In relation to the major questions doctrine,[32] Congress, in sections 262 through 265 of the INA, 8 U.S.C. 1302 through 1305, specifically authorized and directed DHS [33] to register aliens, and in section 264 of the INA, 8 U.S.C. 1304, to prescribe forms for the registration of aliens under section 262 of the INA, 8 U.S.C. 1302, and related actions.[34] Congress also specifically directed DHS to include, on alien registration forms, inquiries into ''the date and place of entry of the alien into the United States.'' INA sec. 264(a)(1), 8 U.S.C. 1304(a)(1). The decision to offer a registration form to those who must register, and to include on that form the questions that Congress required DHS to ask, does not implicate the major questions doctrine and DHS disagrees with the commenter's characterization of this rule as an action of major political or economic significance as described in *West Virginia*. However, even if the matter were of great political or economic significance, it would be supported by clear congressional authorization.

However, as explained in the preamble to the IFR, Federal statutes have, since 1940, generally required aliens present in the United States for 30 days or more to register and be fingerprinted.

DHS also disagrees that this rule criminalizes unlawful status or presence in the United States. The INA has long contained provisions criminalizing various forms of immigration-related conduct. *See, e.g.,* INA secs. 264(e), 366, 272–278, 8 U.S.C. 1304(e), 1306, 1322–1328. Thus, although the commenter is correct that immigration violations are often handled as civil matters, any criminal liability feared by the commenter nevertheless exists by virtue of longstanding statutory provisions. Nothing in the IFR, by designating a registration form and evidence of registration as a general means for individuals to comply with the statutory registration requirement, impermissibly deviates from congressional intent or the plain meaning of the statute.

d. Other Comments on Authority and Alignment With Authorizing Statutes

Comment: A commenter stated that the ''new registration requirement'' is ''redundant,'' because section 262(a) of the INA, 8 U.S.C. 1302(a), already requires covered aliens to register. A commenter wrote that self-registration is not necessary to enforce the statutory scheme, stating that the government's interest—''the criminalization of non-citizens without proper registration''—is not significant, as many States already provide an identification card (ID) for aliens. Commenters also stated that the purpose of registration is not to detect and prosecute criminal aliens, but rather, to criminalize all aliens who do not have the Form G–325R.

Response: The registration requirement is not new or redundant. Congress prescribed the requirement in section 262 of the INA, 8 U.S.C. 1302, and directed DHS to implement the requirement. DHS designated the new registration form to address a gap in the existing regulatory regime relating to registration and allow all aliens, regardless of their status, to fulfill their duty to register under section 262 of the INA, 8 U.S.C. 1302. DHS has the obligation to faithfully execute the laws established by Congress, including the alien registration requirement, regardless of other ID provided by States. In response to the specific comment about the criminalization of ''all aliens who do not have'' the new evidence of registration, this is inaccurate. Many aliens inside the United States are already registered and have evidence of registration without the need to utilize the new form and process.

e. Legal Issues for Survivors of Domestic Violence, Sexual Assault, and Human Trafficking

Comment: Commenters discussed the history of legislation providing protections for survivors of domestic violence, sexual assault, human trafficking, and other serious crimes, such as VAWA and the VTVPA. The commenters remarked that over 30 years ago, a bipartisan Congress recognized the risks faced by aliens who are

[32] Congress frequently delegates, in legislation, the authority to agencies to regulate particular aspects. In a number of decisions, however, the Supreme Court has declared that if an agency seeks to decide an issue of major national economic or political significance in regulations its action must be supported by clear congressional authorization. *See West Virginia* v. *EPA,* 597 U.S. 697, 732 (2022). For more on the major question doctrine, see Kate R. Bowers, Congressional Research Service (CRS), ''The Major Questions Doctrine'' (Nov. 2, 2022), *https://www.congress.gov/crs-product/IF12077.*

[33] Although the statutory registration provisions, such as INA sec. 264(a), 8 U.S.C. 1304, refer to the Attorney General, Congress authorized DHS's administration of the INA. As of March 1, 2003, the former INS, which was part of DOJ, ceased to exist and its functions respecting immigration benefits applications, petitions, and requests under INA, including registration, were transferred to USCIS within DHS. *See* Homeland Security Act of 2002, Public Law 107–296, sec. 471(a) (Nov. 25, 2002); 68 FR 10922 (Mar. 6, 2003).

[34] *See* INA sec. 264(a), 8 U.S.C. 1304(a) (''The Attorney General and the Secretary of State jointly are authorized and directed to prepare forms for the registration of aliens under section 1301 of this title, and the Attorney General is authorized and directed to prepare forms for the registration and fingerprinting of aliens under section 1302 of this title.'').

immigrant survivors when it enacted VAWA, which created immigration protections for survivors who experience battery or extreme cruelty that allow them to apply for immigration relief without the knowledge or consent of the abusive partner, giving them a path to safety and independence. The commenters continued, writing that Congress strengthened protections through VTVPA, which created the T nonimmigrant status (''T visa'') for victims of trafficking and the U nonimmigrant status (''U visa'') for victims of certain qualifying crimes who are willing to cooperate with law enforcement. The commenters criticized the IFR, stating that it disregards the congressional intent of these laws by exposing survivors of violence to immigration enforcement before their cases are resolved and deprives them of the protections Congress explicitly created for them. A commenter emphasized the historical importance of VAWA and VTVPA protections and urged DHS to uphold them.

A commenter said that the IFR's content regarding change of address requirements creates needless hardships for aliens as it would deprive them of private, safe addresses to protect themselves from their abusers as they take steps toward independence.

A commenter remarked that 8 U.S.C. 1367 prohibits DHS from making adverse determinations using information furnished by abusers or disclosing information about alien victims. The commenter expressed concern that the IFR does not address how these privacy protections, particularly with respect to address reporting on Form G–325R, would be maintained, and that the IFR does not account for domestic violence laws that establish address confidentiality for eligible aliens for their safety. The commenter concluded that despite the IFR mentioning ''safe addresses,'' it does not explain what that means in the context of registration, nor does Form G–325R appear to allow for address confidentiality.

Another commenter wrote that the IFR failed to address the special circumstances of alien victims in shelters and at unsafe addresses; under USCIS special protections, applicants for VAWA, T- and U-based benefits are entitled to use safe mailing addresses and have their cases processed according to strict privacy rules. The commenter stated that the IFR would violate those privacy protections by demanding that such aliens register using a general registration form that is not processed by the ''special applicants' office of the Vermont Service Center,'' and that, unlike other immigration information collections, the IFR includes no provisions related to procedures that would be used to protect this data in conformity with heightened VAWA protections. The commenter added that disclosing shelter addresses is often against the policies of the shelter and doing so can result in aliens becoming ineligible for housing there.

Response: Aliens submitting a Form G–325R do not qualify as a protected alien under 8 U.S.C. 1367, by virtue of such filing; however, if the alien is otherwise designated as a protected alien on another basis, USCIS would maintain the same protections for information submitted through the Form G–325R process as it does for other information provided by such protected aliens. Form G–325R collects a physical address and allows aliens to provide a safe address. As with all USCIS forms in which an alien may provide a safe address, if USCIS contacts the alien through the mail it will use the safe address that he or she provides. However, the G–325R process is entirely electronic at this time. All notices sent from USCIS to an alien are uploaded to the alien's myUSCIS account. None of the notices correlating to a Form G–325R are issued via mail. Therefore, not only may aliens provide a safe address, consistent with longstanding USCIS practice, USCIS does not at this time send any documents through the mail in connection with Form G–325R. While an alien is required to provide a physical address, DHS will continue to ensure that personnel adhere to statutory requirements and protections.

3. Constitutional Concerns Related to the IFR

Comment: Several commenters expressed general concerns related to the constitutionality of the IFR or registration requirement. For example, a commenter expressing opposition to the IFR urged those in power to stop the ''blatant violation'' of the U.S. Constitution and indicated that those involved in this process who do not attempt to stop it are in dereliction of their duty to the U.S. Constitution. Commenters criticized the IFR, saying that it ''fails to account for its sweeping impact on the constitutional rights of citizens and noncitizens alike.''

Response: DHS disagrees with commenters' broad characterization of this rule as unconstitutional. This rule makes available a new mechanism by which aliens may comply with longstanding statutory registration and fingerprinting requirements, as directed by Congress. It is the Executive's constitutional duty to faithfully execute the law created by Congress. DHS responds to comments raising specific constitutionality concerns later in this final rule.

With respect to the U.S. Government's general authority to require aliens within its borders to register, DHS notes that a nation has a sovereign prerogative to control its borders. *Cf. Ping* v. *United States,* 130 U.S. 581, 603–04 (1889) (''That the government of the United States, through the action of the legislative department, can exclude aliens from its territory is a proposition which we do not think open to controversy. Jurisdiction over its own territory to that extent is an incident of every independent nation. It is a part of its independence. If it could not exclude aliens it would be to that extent subject to the control of another power.''). Congress long ago legislated in pursuit of this utmost responsibility by, among others, setting statutory registration and fingerprinting requirements. What is more, the U.S. Constitution vests both Congress and the Executive with control over immigration matters; the Supreme Court for over a century has acknowledged that the President's broad foreign affairs power extends to matters of immigration. U.S. Const. Art. II, § 2, cl. 2; *Fong Yue Ting* v. *United States,* 149 U.S. 698, 713 (1893) (finding because the regulation of immigration is ''a power affecting international relations,'' it appropriately ''is vested in the political departments of the government''). These broad constitutional authorities further support the statutory alien registration requirements and the President's authority to direct DHS to take care to faithfully execute such requirements. They provide ample authority for the IFR, which merely designates a new form by which aliens can comply with longstanding statutory requirements.

a. The Right Against Self-Incrimination

Comment: Commenters expressed general concern that the disclosures required by the IFR, such as the requirement to report past criminal activity, would violate the Fifth Amendment right against self-incrimination, would place aliens in a position of identifying themselves for purposes of enforcement, or would generally violate Fifth Amendment rights. One commenter stated that the IFR is ''unconstitutional on its face,'' because it would ask aliens to confess to crimes and violations of criminal substance abuse laws and requires aliens who are present in the United States without documentation to register

''even though the current administration regards undocumented immigrants to be illegal.''

Commenters stated that the requirement to register and potential penalties for non-registration implicate Fifth Amendment protections in several ways, including by:

- Effectively compelling aliens to admit unlawful presence in the United States or provide other information that could potentially expose them to criminal prosecution or removal; and
- Creating a ''Catch-22'' situation in which registering would risk self-incrimination through acknowledging unlawful status, while not registering would trigger penalties for noncompliance.

In light of these concerns, commenters either urged DHS to withdraw or not implement the rule, or to reconsider the registration requirement and develop an alternative approach that respects constitutional protections against self-incrimination.

A commenter reasoned that because of the privilege against self-incrimination, the requirement would be unenforceable and that it would be impossible to convict an alien for willful failure to register, citing *Grosso* v. *United States,* 390 U.S. 67, 70 (1968). The commenter reasoned that the finding in this case requires that DHS amend the form to include a guarantee that information required by the form would never be used to prosecute a registrant for criminal offenses. This commenter further remarked that the Alien Registration Act itself did not have such a self-incrimination problem, because the form it imposed was universal for all aliens and did not demand admission of a crime.

Citing to case law, a commenter stated that the privilege against self-incrimination protects not just against answers that would alone support convictions, but also against evidence needed to prosecute for a Federal crime.[35] A commenter concluded that because of the Supreme Court's rejection of the ''exculpatory no,'' [36] the only way an alien subject to the IFR can invoke their privilege against self-incrimination is either not to register, or to register without fully completing the registration form. The commenter specifically identified questions 1.11 (address history), 1.12 (last arrival), 1.13 (I–94 information), 3.2 (crimes committed without arrest), and 3.5 (controlled substance violations) as problematic from a self-incrimination perspective.

Another commenter discussed the ''essentially regulatory'' exception to the Fifth Amendment privilege against self-incrimination, which the commenter said permits compelled disclosure of testimonial information as part of a comprehensive regulatory scheme when the government action is directed at the public at large and related to an essentially noncriminal and regulatory inquiry. The commenter stated that the IFR does not qualify for this exception because it targets those suspected of criminal conduct and is not essentially regulatory in nature.

Response: DHS disagrees that this rule violates aliens' Fifth Amendment privilege against self-incrimination. The Fifth Amendment does not forbid the government from asking questions and it does not forbid the government from taking the answers. *See Nat'l Fed'n of Fed. Emps.* v. *Greenberg,* 983 F.2d 286, 291 (D.C. Cir. 1993). Nor does it impede the enforcement of a valid civil regulatory regime. *Rajah* v. *Mukasey,* 544 F.3d 427, 442 (2d Cir. 2008). Courts ''have long recognized the power to expel or exclude aliens as a fundamental sovereign attribute exercised by the Government's political departments largely immune from judicial control.'' *Fiallo* v. *Bell,* 430 U.S. 787, 792 (1977). The nature of registration is regulatory rather than criminal because it is not ''permeated with criminal statutes and [ ] there is a substantial non-prosecutorial interest served by the reporting regime.'' *Rajah,* 544 F.3d at 442. Specifically, the primary purpose of registration is to enhance immigration law enforcement through the regulation of aliens seeking to enter and remain in the United States. Certainly, there are criminal penalties for willful failure to register and failure to notify DHS of a change in address, but the purpose of the statutory framework is to exercise authority over the regulation of aliens in this country. Furthermore, courts consistently acknowledge that the Fifth Amendment does not relieve individuals of their statutory obligations to make certain submissions to the Federal Government. *See United States* v. *Oliver,* 505 F.2d 301, 307 (7th Cir. 1974) (observing Fifth Amendment does not relieve taxpayers of statutory obligation to report income in full, including income from illegal ventures) (overruled on other grounds).

Thus, the Fifth Amendment does not protect an alien from having to provide information relevant to the registration that is a condition of the alien's presence in the United States, including information from passports, other documents, or statements regarding his or her immigration status. *See Rajah,* 544 F.3d at 441 (relating to NSEERS registration policy); *see also, e.g., United States* v. *Sacco,* 428 F.2d 264, 271 (9th Cir. 1970); *Matter of Chen,* 15 I&N Dec. 480, 482 (BIA 1975); *Matter of Yau,* 14 I&N Dec. 630, 635 (BIA 1974). Finally, a Fifth Amendment self-incrimination claim is not ripe until a claim of the privilege is actually asserted. *See, e.g., Carman* v. *Yellen,* 112 F.4th 386, 404 (6th Cir. 2024).

b. Due Process

Comment: Many commenters also indicated that the IFR would violate or result in violations of Fifth Amendment due process protections, such as protections against arbitrary or wrongful government actions like immigration enforcement, arrests, detentions, or removals. Commenters also indicated that this is particularly likely given accessibility challenges such as language barriers and lack of access to counsel of understand the IFR. Others expressed due process concerns relating to the targeting of cities and States with welcoming policies for enforcement actions; warrantless collateral arrests that violate binding settlement agreements; and removal of whole families that include U.S. citizens. A commenter urged DHS to revise the IFR to include ''due process safeguards, such including clear eligibility guidelines, waiver processes, and appeal mechanisms.'' The commenter did not suggest specific guidelines or processes, or bases for appeal.

Citing to the three-part test for evaluating due process requirements from *Mathews* v. *Eldridge,* 424 U.S. 319 (1976), a commenter stated that aliens have a significant private interest in avoiding criminal prosecution; that due to language barriers and poverty there is a significant risk of erroneous deprivation; and that the government's interest in this case is not in genuine security but in leveraging fear over immigration for political purposes. This commenter also stated that with the registration requirement, individuals are not afforded a meaningful opportunity to be heard before the governmental action deprives them of a significant interest as required by *Goldberg* v. *Kelly,* 397 U.S. 254 (1970), because DHS is not providing registrants reasonable opportunities to comply with its stringent deadlines or to access legal counsel, placing undue burdens on aliens to submit required documentation within an unrealistic time frame.

[35] Commenters cited *Hoffman* v. *United States,* 341 U.S. 479, 486 (1951); *Kastigar* v. *United States,* 406 U.S. 441, 444–45 (1972); and *Marchetti* v. *United States,* 390 U.S. 39, 48 (1968).

[36] *Brogan* v. *United States,* 522 U.S. 398, 400–06 (1998).

Response: DHS disagrees that this rule violates aliens' Fifth Amendment right to due process and also declines to establish additional eligibility guidelines, waiver processes, and appeal mechanisms associated with the registration.

The IFR simply amended the regulations to designate a new registration form for aliens to comply with the statutory registration requirements. The registration requirement of section 262 of the INA, 8 U.S.C. 1302 was implemented by Congress; any due process objection to a registration obligation in general amounts to an objection to the statute rather than this rule. This rule's only effect is to create a registration form that ensures all aliens have a way to register, consistent with the statute. And in any event, there is no cognizable due process interest in violating U.S. immigration law and remaining undetected indefinitely, or in failing to register consistent with one's statutory obligations. It has long been held that aliens enjoy some constitutional protections regardless of their status, but the protection is limited by Congress' broad powers to control immigration. *See, e.g., Ahmed* v. *Gonzales,* 447 F.3d 433, 439 (5th Cir. 2006) (recognizing, as part of NSEERS registration, Congress' broad power to control immigration) (citing *Rodriguez–Silva* v. *INS,* 242 F.3d 243, 246, 247 (5th Cir. 2001)). DHS also notes that the duty to register and its consequences is unrelated to the consequences of potential removal because of other actions that render individuals removable and that with the registration requirement, DHS neither is targeting certain classes of aliens, cities, or States. Rather, Congress universally prescribed the registration requirement to all aliens, and the general registration option provided by DHS is available to all previously unregistered aliens regardless of their status.

Regarding commenters' statements about certain aliens' limited proficiency in English or access to legal resources, DHS notes that immigration forms are only offered in English.[37] Inability to speak English because the alien does not understand English, but can vocalize other languages, is not a disability warranting a reasonable accommodation under the Rehabilitation Act.[38] DHS also notes that any individual—alien or citizen—potentially affected by a DHS regulation may theoretically have limited access to legal resources to help them understand that regulation and how it may affect them. DHS is not required to provide aliens with legal resources, but this rule does not prevent an alien from seeking counsel. DHS accordingly does not view commenters' concern about access to legal resources as outweighing the agency's interest in faithfully executing the statutory registration and fingerprinting requirements. For all these reasons, this rule steers well clear of infringing upon the Fifth Amendment privilege against self-incrimination and right to due process and equal protection of law.

c. Due Process of Children and Unaccompanied Minors

Comment: An organization commented that subjecting alien children to the requirements of the rule belies the outdated nature of the registration statute and remarked that since its enactment, our understanding of childhood and adolescence has significantly evolved, with subsequent legislation recognizing the differences and vulnerabilities of children and teenagers. Another commenter stated that the key change attempts to divert juveniles away from the criminal legal system.

Another commenter stated that Congress created specific procedural protections for unaccompanied alien children (UAC) in the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA), *see, e.g.,* 8 U.S.C. 1232, in recognition of UAC's particular vulnerability and to prevent their return to trafficking and other harm. The commenter reasoned that the IFR's and E.O. 14159's compliance with the TVPRA is questionable, because the IFR would subject aliens over the age of 14 to its requirements, but it does not appear to consider alien children's distinct developmental needs, limited understanding of immigration law, and need for support and care from trusted adults, with greater barriers for UACs. The commenter elaborated on concerns for UACs, writing that noncompliance with the IFR could lead to detention of them, but that the IFR does not explain how such detentions would comport with TVPRA, the *Flores* Settlement Agreement, or other juvenile justice reforms. The commenter concluded that the IFR would allow for the summary detention, removal, or other penalties for alien children, and therefore contravenes TVPRA's aim of ensuring vulnerable alien children are able to fairly access legal protections to prevent their return to trafficking and other harm, adding that there is no reason to think that Congress anticipated the Executive Branch would revive a comprehensive registration program and apply it in a manner that would threaten alien children's due process protections.

Citing multiple concerns about impacts of the IFR on alien children, a commenter urged DHS to reconsider registration requirements to preserve civil rights and public safety protections for alien children. The commenter stated that a universal registration requirement for aliens ''as the IFR proposes'' would ''increase the vectors by which vulnerable migrants, particularly minors, may be exploited by bad actors.'' The commenter explained that they had worked with an alien who is 19 years old and fled Guatemala after having been forced to work as a child domestic servant, and that even after arriving in the United States, this alien had such limited access to necessary information that she would have been ''an ideal target for would-be cozeners seeking to prey on newcomers who are unfamiliar with the requirements of the IFR.'' Another commenter urged DHS to protect aliens who were brought to the United States as children.

Response: DHS disagrees that the registration requirement threatens due process interests of alien children. The USCIS website contains information to help all aliens understand the registration requirement. All aliens, including UACs, must follow the INA, which requires all aliens, with limited exceptions, to apply for registration and fingerprinting if they are age 14 or older and will remain in the United States for 30 days or longer.

d. First Amendment, Expression, Assembly, and Association

Comment: Many commenters expressed a general concern that the IFR would require aliens to show proof of registration, which would also lead to racial profiling, fears of detention, and ultimately chill First Amendment liberties, including the right to assembly and freedom of expression. Citing to research, a commenter said that studies have found a direct link between widespread surveillance or profiling and restricted First Amendment activity among members of the community being targeted. Others expressed particular concerns for the IFR's chilling effect in the context of the Trump administration's broader immigration enforcement policies, including the right to nonviolently object to government policies that have a

[37] With the exception of Form I–9, Employment Eligibility Verification, which is also available in Spanish for employers in Puerto Rico.

[38] USCIS provides reasonable accommodations in accordance with section 504 of the Rehabilitation Act. *See* USCIS, ''Disability Accommodations for the Public,'' *https://www.uscis.gov/about-us/disability-accommodations-for-the-public* (last updated Oct. 19, 2022).

potential discriminatory effect and to arbitrary enforcement practices. A commenter stated that the IFR would facilitate the administration's agenda of targeting individuals based on speech by providing near-universal centralized identifying information for all aliens.

Another commenter opposed the IFR because alien registration would be used to persecute those who exercise their freedom of speech to disagree with the policies of an administration or political party.

Several commenters voiced concern that the IFR would have, and already has had, a chilling effect on free speech and expression for aliens, due to fear of detention and deportation. A commenter stated that the IFR trespasses on freedom of religion and speech by working ''hand-in-hand with the rescinding of the Sensitive Locations Memos to intrude upon the religious freedom of U.S. residents by discouraging many from attending religious services for fear of being profiled or to exercise their freedom of speech for fear of being targeted for deportation, even erroneously.'' Regarding speech rights, a commenter stated that the current administration has been revoking immigration status, including student visas, based on speech and that IFR would facilitate this agenda by providing centralized identifying information for all aliens, creating a chilling effect on First Amendment protections.

A commenter expressed concern that the organization's most visible and active members could become targets for enforcement whether they register or not, directly impacting their work of advocating for low-income and immigrant communities. The commenter remarked that their organization's advocacy often relies on in-person events such as rallies to advance policy proposals and that the IFR creates a chilling effect on individuals' willingness to participate in these forms of advocacy. The commenter stated that the IFR would necessitate greater surveillance and monitoring of their community, and reported that they have already witnessed the negative impact of registration-like policies on political speech and the organization's advocacy activities, such as their ability to find and support members willing to share their stories for use with the press, legislators, and social media in support of building grassroot support and advancing the organization's policy goals. Additionally, the commenter stated that during rallies organizers spend significant time addressing these concerns.

Response: Citizens and aliens of course may object to various statutes, regulations, and policies and express those objections publicly. This rule does not abridge the freedom of speech, of the press, or of association or peaceful assembly. A pre-enforcement facial challenge under the First Amendment cannot lie unless an individual establishes that he or she faces a ''credible threat of prosecution'' ''under a statute [or rule] that appears to render the [individual]'s arguably protected speech illegal.'' *Am. Library Ass'n* v. *Barr,* 956 F.2d 1178, 1194 (D.C. Cir. 1992). That is not and cannot be the case here. Neither section 262 of the INA, 8 U.S.C. 1302, nor this rule renders illegal any form of speech. Section 262 of the INA, 8 U.S.C. 1302 simply requires registration and fingerprinting of aliens in the United States for 30 days or more, which is well within this nation's sovereign prerogative to require. This rule addresses a gap in the existing regulatory regime and provides a way for all aliens, regardless of their immigration status, to comply with their duty under the law.

DHS notes that registration activity has always taken place, as evidenced by the forms listed in 8 CFR 264.1, in accordance with the nearly century-old statutory requirement. The questions on the Form G–325R are similar to questions on other registration forms designated at 8 CFR 264.1(a), including the Form I–485, Application to Register Permanent or Adjust Status.

e. Equal Protection, Racial Profiling, and Discrimination,

Comment: Many commenters expressed a general concern that the IFR would lead to in racism, xenophobia, racial profiling, or discrimination.

Some commenters indicated that the IFR would lead to racial profiling which, in turn, would lead to wrongful arrests of U.S. citizens and LPRs. A commenter said that the rule fundamentally alters the rights and interests of millions of people, including U.S. citizens who may be asked to show ''proof'' of their citizenship in any discriminatory dragnet created by this registration rule, adding that this process is part of a larger attack on immigrant communities.

A commenter stated that the IFR would particularly target aliens based not only on national origin but also on race and ethnicity in order boost arrest statistics to meet quotas. The commenter referenced a Washington Post report stating that the administration has directed ICE officials to increase arrests to meet daily quotas, with each field office required to make 75 arrests per day and managers being held accountable for failing to meet these targets. This commenter and others reasoned that racial profiling is an unavoidable certainty in a system where law enforcement is encouraged to demand proof of registration without justification. Commenters said that law enforcement could ask for proof of registration based on factors such as an individual's ethnicity, skin color, uncommon name, language proficiency, or perceived foreign accent.

Another commenter stated that enforcement of the IFR would rely on the national origin of individuals under scrutiny by law enforcement officials, which would ''undoubtedly lead to racial profiling, wrongful arrests, and detention of U.S. citizens and other individuals with lawful status.'' This commenter wrote that U.S. citizens are already being racially profiled in immigration enforcement under the Trump administration and that the IFR would exacerbate this problem. This commenter and others cited examples of State-level ''show me your papers'' laws, such as Arizona Senate Bill 1070, the ''Support Our Law Enforcement and Safe Neighborhoods Act,'' that resulted in lawsuits over the constitutionality of racial profiling against Latino and Asian Americans. Several commenters stated that there have been reports of Native Americans and other U.S. citizens who have been detained by immigration authorities due to racial profiling.

Another commenter stated that the IFR would exacerbate the problems that result from racial and ethnic profiling being a ''cornerstone'' of U.S. immigration enforcement, specifically citing the U.S. Immigration and Custom Enforcement (ICE's) 287(g) Program Task Force Model, which ''allows deputized officers to ask about immigration status of individuals stopped during routine traffic stops and make arrests based solely on federal immigration grounds.'' A commenter wrote that discrimination on account of national origin should not be legal in the United States. Another commenter raised concern that the IFR would affect lawful immigrants and U.S. citizens. For example, providing an anecdotal account, a commenter wrote that U.S. citizens were arrested for speaking Spanish. A commenter stated that discrimination on account of national origin should not be legal in the United States and that the IFR did not have enough government-overreach-safeguards to pass constitutional muster. The commenter also stated that even if national security were at issue, it would not give the Federal Government a license to violate the rights of aliens.

Another commenter wrote that the IFR's criminalization of alien status and the IFR's underlying racially discriminatory motive and ''show-your-paper regime'' would disproportionately harm ''Black and Brown'' and Latino communities, as well as communities of color generally, which are already disproportionately incarcerated and subjected to police stops, questioning, and searches. The commenter said that these policies would lead to a situation in which U.S. citizens of color would need to have proof of citizenship to avoid being swept into the enforcement and criminalization under the rule.

A commenter stated that while some may attempt to justify the implementation of the rule due to the necessity for increased vetting for the purposes of national security, the rule will necessarily rely on national origin, which will inevitably result in racial profiling and wrongful arrests and detention of U.S. citizens and lawfully present noncitizens including lawful permanent residents. The commenter stated that the alleged intent to discriminate based on national origin reflects political rhetoric against immigrant communities and racial prejudice, not a legitimate concern about national security or the U.S. public well-being. According to the commenter, E.O. 14159 ''is inherently founded in race-based prejudice and its implementation through the IFR is based on the premise that immigrants that are not citizens are 'invading' the United States. The commenter wrote that ''[t]he misuse of a military term of war equates migrants, immigrants, and asylum seekers with a group incursion that is hostile and armed.'' Another commenter stated that such an approach is also linked to political rhetoric against immigrant communities and racial prejudice, rather than legitimate national security or public concerns, referencing, as evidence, President Trump's statements, including claims about ''bad genes'' and immigrants ''poisoning the blood of our country,'' as well as an immigrant ''invasion.''

Many commenters expressed concern that the rule would lead to racial profiling and civil rights violations that would undermine public safety. A commenter stated that the rule's criminal penalty for failing to carry ''proof of registration'' on one's person at all times encourages racial profiling and arbitrary searches, seizures, detention or arrest by immigration officials and law enforcement officers of individuals whom they perceive to be immigrants, including children and families.

Commenters stated that the IFR would create a ''hostile environment'' and target anyone perceived as foreign, and harm both aliens and U.S. citizens, leading to over-policing. Another couple of commenters wrote that the implementation of this rule would likely result in discriminatory searches and seizures, as well as wrongful arrests that would impact U.S. citizens and ''non-citizens'' alike.

A commenter wrote that the requirements of the IFR would disproportionately impact vulnerable groups, such as low-income immigrants and those with limited access to legal assistance. A commenter indicated that the IFR would instill fear in Asian, Native Hawaiian, and Pacific Islander community members, preventing them from accessing schools, healthcare, employment, and other benefits. Similarly, a couple of commenters wrote that the IFR instills fear in or criminalizes integral members of the Asian and Pacific Islander community, who make up one in seven ''undocumented immigrants,'' and scapegoats them simply for their national origin, targets them for racial profiling, and makes compliance difficult due to high rates of limited English proficiency in these communities.

A commenter stated that the IFR did not account for the social and economic impacts that the IFR would have on minority communities, citing examples of alleged discriminatory immigration enforcement in New York. Another commenter wrote that immigration policy and enforcement reinforce harmful stereotypes and social inequities that impact all Latinos, regardless of their legal status; they added that although permanent residents have legal work authorization, they often encounter discrimination when seeking resources. A commenter stated that rural communities in California with disproportionate Latino farm workers are already being targeted for immigration enforcement, which the commenter said DHS falsely characterizes as targeting aliens with criminal records. Another commenter wrote that immigration policy and enforcement is a tool of white supremacy, reasoning that it limits access to resources, services, and opportunities among Latinos and other immigrants in the United States.

A commenter stated that the IFR and DHS conflate ''undocumented'' and unregistered ''noncitizens'' with gang members and criminals. The commenter stated that, while U.S. public safety and national security are important concerns, the rule stems from a misplaced and exaggerated focus on crime committed by ''noncitizens.'' The commenter referenced a January 21, 2025, DOJ memo that linked ''transnational gangs'' and ''illegal aliens'' to ''brutal and intolerant violent crime'' that is ''escalating rapidly across the country.'' The commenter said that this characterization fails to distinguish between misdemeanors and more serious criminal activities. The commenter wrote that individual violent crimes by ''noncitizens'' are often highlighted to justify actions like the passage of the Laken Riley Act, but suggested these incidents are presented without proper context regarding the actual level of crime committed by aliens. The commenter cited academic research suggesting that criminal activity by ''noncitizens'' is not disproportionate to the U.S. population at large.

Expressing a slightly different concern, a commenter wrote that the IFR fails to consider or take steps to safeguard against entrepreneurial burdens, taxpayer expenditures, and public safety costs. Further, another commenter wrote that the IFR would broaden DHS's ability to arbitrarily arrest and deport more asylum seekers to danger, adding that though DHS has no lawful right to deport U.S. citizens, this is likely to become a daily occurrence with the implementation of this IFR.

Similarly, a commenter opposed the proposed ''noncitizen'' registration policy, arguing it would lead to discriminatory law enforcement practices. The commenter stated that requiring ''noncitizens'' to carry registration documents at all times would create enforcement challenges, as DHS officers would have no practical way to identify who would be subject to this requirement without resorting to profiling.

Another commenter further wrote that the administration would employ arbitrary methods of identifying ''noncitizens'' under the policy. According to a commenter, while the IFR's stated purpose is to enhance law enforcement by DHS to protect public safety and reduce violent crime, it is important to remember that equal protection under the law means criminal activity is caused by individual actions, not group identity or status, with a different commenter stating that communities would be irreparably harmed by attempts to identify and detain suspected aliens.

A commenter expressed concern that enforcement practices can create fear even among lawful permanent residents and U.S. citizens, which leads to

reduced participation in civil society. As an example, they cited a study on Arizona's stringent immigration laws and said that it found that such policies negatively impact Latino youths in particular. A commenter wrote that this process negates everything the United States should stand for and should not be ''reinstated'' in this country. Commenters also stated that the IFR's enforcement practices enable racial profiling and create fear and anxiety even among lawful permanent residents and U.S. citizens. The commenters cited research on stringent immigration laws, specifically Arizona's Support our Law Enforcement and Safe Neighborhoods Act, which found that policies promoting racial profiling negatively impact Latino youths' mental health and academic achievement. The commenters stated that while the IFR estimates the registration requirement would directly impact 2 to 3 million people, the racial profiling likely to occur would have detrimental effects on the broader population of over 63 million Latino residents in the United States.

A commenter voiced concern that without clear protections, the registration process could be misused to target certain populations unfairly, particularly with giving preference to immigrants from specific countries over others. While discussing allegedly discriminatory practices under the former NSEERS program, other commenters also stated that expanding alien registration requirements could once again lead to biased enforcement practices, eroding trust between immigrant communities and government agencies, dehumanizing immigrants, and infringing on aliens' basic rights.

Response: DHS strongly disagrees with the characterization of the IFR as linked to political rhetoric against immigrant communities and racial prejudice, rather than legitimate concerns of implementing a statutory mandate, as well as national and public security concerns. The laws of the United States generally require aliens to register—either as part of the visa process or upon being present in the United States for 30 days or more. The IFR and this final rule are limited in scope to establish a general registration option for aliens to comply, as applicable, with their statutory duty to register and to be fingerprinted. This rulemaking does not impose any new obligations on any population, or create disparate treatment motivated by racial prejudice. Similarly, the IFR and this rule do not create or modify the criminal penalties established by Congress many decades ago that apply when aliens fail to meet their registration and related obligations. The rule also does not oblige the removal of any alien from the country. The registration requirements apply to all aliens who are 14 years or older, have not been registered and fingerprinted, and remain in the United States for 30 days or longer. If an alien does not have any other pathway to register and to be fingerprinted, the alien may file the Form G–325R to comply with their duty under section 262 of the INA, 8 U.S.C. 1302. The rule is expected to improve DHS law enforcement efficacy and to provide more comprehensive information about the location of aliens in the United States to make it easier and safer for DHS to enforce the law. The increased compliance with statutory fingerprinting requirements would provide DHS with additional information about an alien's criminal record, including whether the alien is a known or suspected terrorist. Finally, DHS reiterates that the alien registration requirements of the INA require aliens—not U.S. citizens—to register.

Comment: Two commenters objected to the use of the word ''alien'' in the IFR as offensive and subjective, as well as inaccurate and suggested, as part of providing safeguards, to change the term.

Response: The term ''alien'' is a legal term defined in the INA that is used to describe any person who is not a citizen or national of the United States.[39] Moreover, the term alien is used in sections 261 through 266 of the INA, 8 U.S.C. 1301 through 1306, the sections that describe the alien registration requirements.

Comment: A commenter said the comprehensive registration policy that was established in the Alien Registration Act of 1940 was abandoned in the decades following its adoption due, in part, to its social and economic costs, and stated that the enforcement of this registration policy would fail to achieve the goals of the administration while leading to discriminatory targeting of U.S. citizens and ''noncitizens'' based on their perceived race or ethnicity.

While discussing discriminatory practices under the former NSEERS program, another commenter remarked that expanding alien registration requirements could once again lead to biased enforcement practices, eroding trust between immigrant communities and government agencies.

Response: This rule is consistent with E.O. 14159 and the alien registration requirements in section 262 of the INA, 8 U.S.C. 1302. This rulemaking establishes a general registration option available to all unregistered aliens, regardless of immigration status, to improve the registration outcomes of certain groups of aliens. This rulemaking does not change or modify the existing statutory requirements that most aliens must comply with the existing statutory registration requirements.

Comment: Multiple comments expressed a general concern that the IFR would violate equal protection rights guaranteed under the Fifth Amendment's Due Process Clause. Citing to case law from the Supreme Court,[40] commenters indicated that the rule would disproportionately impact aliens from low-income, non-English-speaking communities and that it, therefore, may violate equal protection and should be subject to strict scrutiny. A commenter warned that the IFR raises equal protection concerns because its complex requirements would be overwhelming and confusing for aliens with limited formal education or English proficiency. Commenters expressed particular concern for equal protection violations and racial profiling resulting from the IFR's implicit ''show your papers'' requirement.

A commenter indicated that the IFR would violate equal protection principles because Form G–325R is only available in English, remarking that while a plaintiff must prove a discriminatory purpose to prove in an equal protection claim and the IFR is facially neutral, the administration has made statements and taken other actions, such as declaring English as the official U.S. language, that would support the contention that the government elected not to translate Form G–325R as part of larger scheme to limit language access in government services.

A commenter stated that while there are bona fide arguments for government interest in information about residents, the IFR would create a disproportionate and deleterious burden on aliens subject to its terms, and therefore exceeds that government interest, crossing into equal protection violations.

[39] *See* INA sec.101(a)(3), 8 U.S.C. 1101(a)(3).

[40] Commenters cited to *Shapiro* v. *Thompson,* 394 U.S. 618, 629 (1969) (extending the Fourteenth Amendment's State equal protection guarantees to Federal actions through the Fifth Amendment); *Washington* v. *Davis,* 426 U.S. 229 (1976) (providing that laws disproportionately impacting specific groups must meet strict scrutiny if the classification is based on race or national origin); and *Yick Wo* v. *Hopkins,* 118 U.S. 356 (1886) (finding that facially neutral laws may violate equal protection if they are applied in a discriminatory manner).

Response: DHS disagrees that this rule violates equal protection. Section 262 of the INA, 8 U.S.C. 1302, is a facially neutral law, requiring ''*every* alien now or hereafter in the United States, who (1) is fourteen years of age or older, (2) has not been registered and fingerprinted under [section 211(b) of the INA], and (3) remains in the United States for thirty days or longer, to apply for registration and to be fingerprinted before the expiration of such thirty days.'' 8 U.S.C. 1302(a) (emphasis added). This rule likewise creates an additional mechanism by which *any* previously unregistered alien may comply with his or her statutory duty regardless of the alien's country of nationality.[41] It thus does not violate equal protection.

f. Fourth Amendment Issues

Comment: Several commenters expressed a general concern that the IFR would lead to violations of Fourth Amendment rights, such as arbitrary searches and seizures of U.S. citizens and aliens alike. A commenter stated that the IFR's implementation without clear and narrowly tailored enforcement guidelines would increase the risk of Fourth Amendment violations, as officers may stop and detain individuals without reasonable suspicion or probable cause solely to verify registration status. This commenter reasoned that this would create an unconstitutional presumption of illegality tied to race, a practice long rejected by Federal courts.

Response: DHS disagrees that the IFR would lead to violations of an alien's Fourth Amendment rights. Congress has long required aliens described in section 262 of the INA, 8 U.S.C. 1302, to register and be fingerprinted (if required) as well as carry evidence of registration and notify DHS of a change in address, and it is the duty of DHS to carry out those laws. *See* INA sec. 103(a), 8 U.S.C. 1103(a); *see* E.O. No. 14159 sec. 7, Protecting the American People Against Invasion (Jan. 20, 2025), 90 FR 8443, 8444 (Jan. 29, 2025). The goal of the IFR and final rule is to ensure that aliens understand their duty under the law and have a path to comply with that duty through the new general registration process and form. The IFR has not changed the existing authority provided to DHS on engagement with aliens.

g. Eighth Amendment Issues

Comment: A commenter raised concerns that causing ''undocumented people'' to live in fear of both potential consequences in their country of origin and ''cruel treatment'' from ICE could constitute a violation of their Eighth Amendment rights. Another commenter expressed concern that the IFR would lead to inhumane and illegal extraterritorial or indefinite imprisonment. A commenter stated that the penalties aliens would face under the IFR for noncompliance are disproportionate to the alleged offense, particularly where the violation is technical or inadvertent. Citing *Trop* v. *Dulles,* 356 U.S. 86 (1958), which found that punishment must be proportionate to the offense, the commenter concluded that the IFR violates this principle by imposing penalties for procedural or technical violations, which the commenter said would constitute cruel and unusual punishment.

Response: Congress has established civil and criminal penalties for a variety of offenses relating to immigration. While certain aliens may be afraid of being subjected to the penalties connected to their choices and actions, this rule does not establish any such consequences or offenses. This rule also has no impact on the constitutional protections available to aliens within the United States. The criminal penalties for failure to register or meet the other associated requirements under sections 262 through 265 of the INA, 8 U.S.C. 1302–1305, were established by Congress and also fall outside the scope of this rule.

h. Privacy Rights

Comment: A commenter wrote that the information collected by this registration information cannot be used by ICE under existing law and regulation, for its enforcement actions because under 8 U.S.C. 1357(f)(2), ICE is a civil enforcement body, not a law enforcement agency. The commenter also stated that the IFR does not contain any designations by the Attorney General to expand the persons with whom registration and fingerprint records may be shared, as required under 8 U.S.C. 1304(b).

Response: For approximately 85 years, the laws of the United States have required most aliens present in the United States for 30 days or longer to register and, with some exceptions based on age or nonimmigrant status, be fingerprinted. DHS, with the IFR and this final rule, has not changed the existing statutory registration requirements or established by Congress for aliens but merely prescribed a general means for aliens to register, as required by law. The requirements that aliens are required to register, update his or her address with the government within 10 days of moving, and carry evidence of registration on their person, were also established by Congress in the middle of the 20th century. Similarly, this IFR has not created or modified the criminal penalties established by Congress many decades ago that apply when aliens fail to meet their registration and related obligations. This rule is consistent with E.O. 14159 and the alien registration requirements in sections 262 through 265 of the INA, 8 U.S.C. 1302 through 1305, and establishes a general registration option available to all unregistered aliens regardless of immigration status.

In regard to the comment addressing sharing of information pursuant to section 264(b) of the INA, 8 U.S.C. 1304(b), DHS disagrees with the commenter's view that registration and fingerprint records cannot be shared within DHS for immigration enforcement purposes, as well as the commenter's view that ICE is not a law enforcement agency in general.

Moreover, under section 264(b) of the INA, 8 U.S.C. 1304(b), all registration and fingerprint records ''shall be confidential, and shall be made available only'': (1) pursuant to section 287(f)(2) of the INA, 8 U.S.C. 1357(f)(2) (*i.e.,* the provision cited by the commenter); and (2) to such persons or agencies as may be designated by the Secretary.[42] The statute does not direct USCIS alone to register aliens and prescribe registration forms, or to hold alien registration records confidential. The statute vests these authorities in the Secretary, in whom all authorities of USCIS, ICE, and other DHS components are vested.[43] It would make little sense to interpret the confidentiality provision to require the Secretary to hold alien registration information confidential as against ICE and CBP, which are subagencies within DHS, particularly in light of the Secretary's plenary authority to make alien registration and fingerprint records available ''to such

[41] Even if DHS were to adopt a special registration policy for nationals of certain countries, such classifications under the immigration laws may be made so long as they have a rational basis. *See Rajah,* 544 F.3d at 438 (rejecting equal protection challenge to NSEERS); *see also Narenji* v. *Civiletti,* 617 F.2d 745, 747 (D.C. Cir. 1979) (''Distinctions on the basis of nationality may be drawn in the immigration field by the Congress or the Executive. So long as such distinctions are not wholly irrational they must be sustained.'').

[42] As of March 1, 2023, in accordance with the HSA any reference to the Attorney General in a provision of the INA describing functions that were transferred from the Attorney General or other DOJ official to DHS by the HSA, are deemed to refer to the Secretary of Homeland Security. *See* 6 U.S.C. 557; *see also* 6 U.S.C. 542 note; 8 U.S.C. 1551 note.

[43] 6 U.S.C. 112(a)(3).

persons or agencies'' as he may designate.

In any event, the IFR did not change DHS practices related to the maintenance, collection, and use of the information, including alien registration information; such information was available to ICE and CBP even before the IFR.[44]

Comment: Several commenters expressed general concern that the IFR would violate individuals' privacy rights. A commenter reasoned that mandatory registration, including current addresses, poses threats to privacy rights guaranteed by the Privacy Act of 1974 and *Griswold* v. *Connecticut,* 381 U.S. 479 (1965). The commenter remarked that fears of excessive surveillance have repeatedly led to the deferral or rejection of universal registration mandates, including the long-running delays in the implementation of the REAL ID Act of 2005 (REAL ID Act).[45] The commenter added that the privacy concerns are heightened because the IFR makes no exception for registration requirements based on age, only procedural allowances for aliens under the age of 14. The commenter said that the inadequate privacy protection for this information raises considerations for the safety of both minors and survivors of domestic abuse.

A commenter stated that the IFR is silent on privacy and confidentiality protections associated with the registration requirement, remarking that any DHS disclosures of information collected under the IFR must comply with 8 U.S.C. 1367 and related guidance.

A commenter expressed concern that the IFR does not provide clear information regarding its privacy impact or how it comports with existing law, including 8 U.S.C. 1367 and related guidance such as DHS Instruction 002–02–001, Revision 00.1; DHS Directive 215–01; DHS Instruction 215–01–001; and DHS Instruction 215–01–002. The commenter remarked that the lack of clarity would make it difficult for individuals, including those subject to 8 U.S.C. 1367 protections or Deferred Action for Childhood Arrivals (DACA) recipients, to fully understand how their information would be used and shared in compliance with existing law.

Response: Aliens submitting G–325R do not qualify as protected aliens under 8 U.S.C. 1367, by virtue of such filing; however, if the alien is otherwise designated as a protected alien on another basis, USCIS maintains the same protection for the alien, including for the safe address. Form G–325R provides fields for the alien's mailing or safe address, and if different from his or her mailing or safe address, the alien's physical address. As with all USCIS forms in which an alien may provide a safe address, if USCIS contacts the alien through the mail, USCIS will use the safe address that he or she provides. However, the G–325R process is entirely electronic at this time. All notices sent from USCIS to an alien are uploaded to the alien's myUSCIS account. None of the notices correlating to Form G–325R are issued via mail. Therefore, not only may aliens provide a safe address, consistent with longstanding USCIS practice, USCIS does not at this time send any documents through the mail in connection with Form G–325R.

This rule also does not change any procedures or practices of DHS and its subagencies to protect against the unauthorized disclosure of personally identifiable information that DHS collects, disseminates, uses, or maintains.

i. Freedom of Movement

Comment: A commenter stated that the financial and criminal penalties created by the IFR, related to the requirement to register and update addresses, would threaten individuals' freedom of movement, a right affirmed by the Supreme Court in *Paul* v. *Virginia,* 8 Wall. 168 (1868), and *Saenz* v. *Roe,* 526 U.S. 489 (1999). With respect to the statement in the IFR's preamble that ''any alien who has failed to comply with the change-of-address notification requirements of 8 U.S.C. 1305 is deportable unless the alien establishes that such failure was reasonably excusable or was not willful'' (citing 8 U.S.C. 1227(a)(3)(A)), the commenter stated that this discussion is insufficient because it ''provides no framework by which this clause may be interpreted by either registrants or federal officials, exposing registrants to undue subjectivity.''

Response: This IFR neither restricts an alien's freedom of movement[46] nor creates or modifies the criminal penalties, established by Congress many decades ago, that apply when aliens failed to meet their registration and related obligations. The requirements that aliens are required to register, update their address with the government within 10 days of moving, and carry evidence of registration on their person are also not new. DHS, with the IFR and this final rule, has not created these requirements or modified the duties established by Congress for aliens. Providing a current address to DHS is the responsibility of each covered alien.

j. Separation of Powers

Comment: Citing Article I, Section 8 of the Constitution, *INS* v. *Chadha,* 462 U.S. 919 (1983), and *Brown* v. *Board of Education,* 347 U.S. 483 (1954), a commenter stated that the IFR violates the separation of powers doctrine, and that regulations that significantly affect immigrants' rights should be grounded in congressional legislation, not solely in administrative rulemaking.

Response: The IFR is firmly grounded in congressional legislation; it implemented the alien registration requirements of sections 262 through 266 of the INA, 8 U.S.C. 1302 through 1306. Additionally, section 103(a) of the INA, 8 U.S.C. 1103(a), as well as the registration provisions cited previously, provide broad statutory authorization to implement these registration requirements. These laws are duly enacted by Congress. DHS disagrees with the commenters that the IFR suffers from any separation-of-powers defect.

4. The IFR's Compliance With International Law

Comment: A commenter stated that the IFR would violate U.S. international legal obligations to refugees and asylum seekers, obligations stemming from the 1967 Protocol Relating to the Status of Refugees that have been implemented in domestic U.S. law through the Refugee

[44] Alien registration has typically been covered by a DHS SORN published pursuant to the Privacy Act of 1974, in particular the A-File SORN. *See* 82 FR 43556 (Sept. 18, 2017) (SORN for Department of Homeland Security/U.S. Citizenship and Immigration Services, U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection—001 Alien File, Index, and National File Tracking System of Records). Alien registration information may be covered by other DHS systems of records, as noted on the form used to collect such information. This has been true even though many aliens who register are not covered by the Privacy Act of 1974, by law or policy. *See* 5 U.S.C. 552a(a)(2) (the term ''individual'' for purposes of the Privacy Act means a citizen of the United States or an alien lawfully admitted for permanent residence); *see also* DHS, '' Privacy Policy and Compliance,'' Instruction Number 047–01–001, Revision 00.1 (Feb. 3, 2025), *https://www.dhs.gov/sites/default/files/2025-02/25_0205_mgmt-047-01-001-Privacy-Policy-Compliance-Instruction.pdf.*

[45] Public Law 109–13, 119 Stat. 302.

[46] In other context, several federal courts of appeals have found that a registration requirement and notification provisions do not put a physical restraint on an individual's freedom of movement. *See, e.g., Williamson* v. *Gregoire,* 151 F.3d 1180, 1184–85 (9th Cir. 1998) (concluding that the sex offender statute requiring the petitioner to register did not constitute a significant restraint on the petitioner's freedom of movement because the law did not specify a place where the petitioner could not travel and did not otherwise impose great burden); *Wilson* v. *Flaherty,* 689 F.3d 332, 337–38 (4th Cir. 2012) (same—citing cases).

Act of 1980 and that have been interpreted by the Supreme Court in *INS* v. *Cardoza-Fonseca,* 480 U.S. 421, 426 (1987). The commenter remarked that, internationally, registration requirements are intended to facilitate the protection of refugees but that the IFR appears to intend to use registration as a method to target individuals for removal. The commenter wrote that E.O. 14159's purported aim is to ''faithfully executing the immigration laws of the United States,'' but it does not acknowledge that those laws include the Refugee Act, and that such faithful execution includes providing asylum and other humanitarian protections as appropriate. The commenter criticized the IFR, stating that it fails to take such protections into account.

More specifically, the commenter cited Article 31(1) of the 1951 Convention Relating to the Status of Refugees, which establishes that refugees generally may not be penalized for their illegal entry or presence when they come directly from territories where their life or freedom is threatened, present themselves without delay to the authorities, and show good cause for their irregular entry or presence save under certain specified circumstances. Stating that the IFR lacks clarity with respect to whether and how it applies to aliens who are asylees, asylum applicants, and people with protection needs who have not yet applied for asylum, and that it makes no provision for consideration of their individual circumstances, the commenter concluded that the IFR's civil and criminal penalties, if applied to refugees, would generally constitute such impermissible penalties according to international law. Finally, the commenter expressed concern that the registration requirement could lead directly to refugees being removed in violation of non-refoulement requirements, or, for aliens who are in or have completed the asylum application process, that registration noncompliance penalties could lead to either a negative discretionary asylum determination or interfere later with their adjustment of status or naturalization.

Other commenters stated that the IFR would infringe on human rights through arbitrary interference with privacy, family, and home law. The commenters noted inadequate information on safeguarding confidential information. While acknowledging the government's authority to regulate immigration, the commenters characterized the IFR as an effort to intimidate aliens that risks violating human rights.

Response: The IFR and this rule are limited in scope to establish a general registration option available to all unregistered aliens regardless of immigration status. An alien who has been issued one of the documents designated as evidence of registration under 8 CFR 264.1(b) has already registered, and an alien who has submitted one of the forms designated at 8 CFR 264.1(a) and provided fingerprints (unless waived), but was not issued one of the evidence of registration designated at 8 CFR 264.1(b), has complied with the registration requirement of section 262 of the INA, 8 U.S.C. 1302. If an alien does not have any other pathway to register and to be fingerprinted, the alien may file the Form G–325R to comply with their duty under section 262 of the INA, 8 U.S.C. 1302.

Moreover, neither the 1951 Refugee Convention nor its 1967 Protocol preclude state parties from requiring refugees to register with immigration authorities. Indeed, Article 2 of the Convention states, ''Every refugee has duties to the country in which he finds himself, which require in particular that he conform to its laws and regulations as well as to measures taken for the maintenance of public order.'' And the United Nations High Commissioner for Refugees (UNHCR) encourages the prompt registration of aliens seeking refugee protection.[47]

E. Applicability

1. General Applicability

Comment: Several commenters expressed concern that the rule and the new registration process creates confusion surrounding who is required to register and who is exempt. Commenters stated that the IFR and registration requirements caused confusion and lacked clarity and, therefore, the IFR would lead to errors and result in legal immigrants being wrongly penalized for not carrying proof of registration. Commenters similarly expressed concern that the rule is confusing about who is considered registered and lacks clarity for individuals who have already filed immigration forms and may have attended USCIS biometrics appointments.

Another commenter wrote that the ''confusing'' nature of the IFR, coupled with the anxiety and fear, driven by the administration's enhanced immigration enforcement efforts, could lead to the spread of misinformation, with ''drastic'' consequences even for individuals not subject to the requirement. The commenter wrote that the combination of confusion on how to register with the sudden removal of legal status is entrapment. Other commenters stated that increased bureaucratic hurdles may discourage or complicate compliance. A couple of commenters stated that the IFR adds unnecessary complexity to an already complex immigration system. A commenter wrote that the IFR creates confusion and fear, particularly for immigrants who may already be considered registered through other processes. Another commenter echoed that the IFR creates confusion among those who believe they have already submitted proof of registration, and the omission of certain common immigration documents within the IFR exacerbates the potential for confusion. A commenter stated that, by imposing registration requirements with criminal penalties for noncompliance, it treats immigrants as enforcement targets, regardless of their legal status or history.

A commenter expressed concern that the IFR's approach to immigration forms for registration requirements was inadequate and would create stress, fear, and confusion among lawfully present individuals who should be considered registered. The commenter additionally stated that they had heard from community members that unscrupulous actors were exploiting this confusion by promising permanent residency through the registration process and deliberately conflating ''Registry'' with ''Registration'' to defraud vulnerable individuals.

Specifically, commenters expressed concern that it would be difficult for individuals to accurately assess whether they have previously registered because of the lack of guidance in the IFR, and, therefore, would lead to individuals failing to file Form G–325R. Commenters expressed particular concern about the enumerated lists of registration forms and forms that constitute evidence of registration; commenters stated that these lists of forms do not include all forms that would appear to meet the threshold requirements for registration and fingerprints as prescribed in the INA. A commenter said that those who have submitted lengthy and detailed immigration application forms and undergone fingerprinting and biometrics would reasonably believe that they are already registered.

[47] *See* UNHCR, Registration and Identity Management, *https://www.unhcr.org/us/what-we-do/protect-human-rights/protection/registration-and-identity-management;* UNHCR, Handbook for Registration (Sept. 2003), available at *https://www.refworld.org/policy/opguidance/unhcr/2003/en/20510.*

A commenter wrote that individuals may not know whether their admission at a U.S. border was pursuant to parole or not, and they may not have an easy way to tell whether an NTA was issued to them, given the wide variation in case processing at the southern U.S. border. The commenter said that its members and clients generally do not know which documents were issued to them at the border and many have lost their documents by the time they reach their place of residence. The commenter raised additional concerns about confusion stating, for instance, that not all of their members who were issued NTAs were fingerprinted in the process. They said that the rule's suggestion that they do not need to do anything else to be considered ''registered'' leaves no guidance and questions about whether they also need to comply with the fingerprinting requirement. The commenter raised the same question for individuals who submit Form I–485 and for whom it is unclear whether they were previously fingerprinted or if any prior fingerprinting, potentially decades ago, is sufficient for purposes of the registration. Other commenters said that opaque language in the IFR makes the requirements difficult to understand, particularly for those with DACA or TPS status who are technically registered with the U.S. Government but would have to re-register only if they did not have a work permit.

Response: To the extent that confusion exists regarding whether a given alien has met their registration obligations, the IFR is not responsible for such confusion, and may in fact help abate it. The IFR helped ensure that all aliens have a straightforward way to comply with their alien registration obligations. The IFR did not create alien registration obligations or impose new consequences on aliens for failing to meet those obligations; the requirement to register, the requirement to carry evidence of registration, and the consequences for failing to do so are all creatures of statute. And the President directed DHS and DOJ to prioritize full implementation and enforcement of the law. If an alien was unsure about their registration status prior to the IFR or had lost documents necessary to comply with the alien registration requirements of the INA, the alien might today see a need to clarify his or her registration status or seek a replacement document; but that is not a function of the IFR.

In addition to the IFR that publicized the legal obligation of unregistered aliens in the United States to comply with the registration requirements, USCIS established a dedicated website with information on the ARR and created an ARR Tool that may help aliens determine whether they must register.[48]

In principle, DHS agrees that if an application form contains the data elements for alien registration described in 8 U.S.C. 1304(a) and the alien has satisfied relevant fingerprinting requirements, DHS should consider designating such application form and related evidence of registration under 8 CFR 264.1(a) and (b). In section V.A of this preamble, DHS seeks comment on a number of potential forms that DHS may designate at a future date.

Comment: A commenter similarly wrote that the Department failed to consider the effects of the IFR on the broader pool of aliens who have registered, leaving a ''troubling array of practical issues unaddressed.'' The commenter questioned whether LPRs would be required to carry a physical copy of their Green Card at all times, or whether a photocopy would suffice. The commenter further questioned what individuals should do if a Green Card is lost or stolen, as processing times for replacing a Green Card are over 2 years. Additionally, the commenter asked whether those deemed registered by submitting a benefits application, such as a Form I–485, would be required to always carry a copy of the 24-page application on their person. Additionally, for those whose registration hinges on their having been placed into immigration court removal proceedings, the commenter asked whether they must carry a copy of an NTA, even if those proceedings concluded years or decades ago.

Response: The IFR did not change the requirement that aliens issued evidence of registration carry such evidence on their person. The IFR filled a gap in the regulation by adding a general option for unregistered aliens who previously did not have a straightforward way to comply with the existing statutory registration requirements. Such aliens may register using the Form G–325R and carry a copy of the USCIS Proof of Alien G–325R Registration, or its successor form.

The IFR had no effects on LPRs, because LPRs are considered registered and are issued a permanent resident card as evidence of registration.[49] Such persons are not affected by the IFR's prescribing of the Form G–325R as a registration form. DHS notes that, as required by statute, LPRs 18 years of age or older must carry their evidence of registration on their person. *See* INA sec. 264(e), 8 U.S.C. 1304(e). If an LPR's permanent resident card is lost or stolen and the LPR files the Form I–90 to replace his or her card, the LPR could obtain temporary evidence of LPR status, such as an Alien Documentation Identification and Telecommunication (ADIT) stamp (also known as an I–551 stamp). *See* 8 CFR 264.5(h). DHS agencies have access to DHS databases, which contain information regarding a pending Form I–90. Similarly, DHS agencies have access to DHS database to confirm a pending adjustment of status application and whether an alien has been fingerprinted as part of that application.

If an alien's evidence of registration is the Form I–862, Notice to Appear, the alien must carry that evidence of registration and always have that evidence in their personal possession as required by the law. *See* 8 U.S.C. 1304(e); 8 CFR 264.1(b). But that requirement is not a function of this rule; it is a function of the alien registration requirements of the INA and longstanding regulations.

2. Applicability to Minors

a. Legal Considerations of Applicability to Minors

Comment: Multiple commenters discussed the legal implications of applying registration requirements to minors. Commenters said the application of the IFR to minors would raise numerous concerns and ''belies the outdated nature of the law on which this rule is based.'' These commenters remarked that in the decades since the Alien Registration Act was written, our understanding of childhood and adolescence has evolved, including intervening law that recognizes the unique, significant vulnerabilities and differences of children. To support their position on the IFR's perceived departure from the prevailing law and science of childhood and adolescence, commenters cited examples of case law, such as *Roper* v. *Simmons,* 543 U.S. 551 (2005); *In re Gault,* 387 U.S. 1 (1967); and *Matter of Devison,* 22 I&N Dec. 1362 (BIA 2000). A commenter, echoing these remarks, said that immigration law has long recognized a distinction between juvenile and adult law, and children have not been held to the same standards as adults.

Multiple commenters wrote that requiring children between the ages of 14 and 18 years old to register and be fingerprinted runs contrary to longstanding norms in the U.S. legal system. The commenters wrote that juvenile justice experts agree that

[49] *See* 8 CFR 264.1(a) and (b). However, DHS notes that if an LPR turns 14, the LPR is required to re-register by filing Form I–90, Application to Replace Permanent Resident Card, pursuant to 8 CFR 264.5.

juvenile justice policies and stakeholders should avoid exposing youth to the criminal juvenile justice system. Thus, the commenters reasoned, expecting that a child of middle- or high-school age would be aware of, understand, and complete the complex process and implications of registration with the Federal Government or face exposure to the U.S. criminal juvenile system for failure to comply would be ''unduly burdensome and harsh, as well as inappropriate and unfounded.'' A commenter, citing the Juvenile Delinquency Act and 18 U.S.C. 5031 and 5032, remarked that while States determine their own age of majority, under Federal law, individuals under 18 are typically considered too young to bear full criminal responsibility and are generally processed through State juvenile courts, with adult prosecution occurring only in specific circumstances involving violent crimes. The commenter expressed concern that violations of registration and biometric requirements could potentially classify children as ''juvenile delinquents'' for failing to comply with administrative regulations they may not fully understand. The commenter pointed out that for alien minors aged 14 to 18, compliance with registration requirements assumes these adolescents have complete knowledge of their immigration status and can independently take legal action. The commenter concluded that channeling alien children into juvenile or Federal court systems as a consequence of noncompliance with registration and biometric requirements could potentially compromise children's wellbeing and place inappropriate legal burdens on minors.

A commenter stated that the registration requirements under the IFR would negatively impact children's safety, health and well-being, and their family integrity. The commenter suggested that this would defy universal standards found in State courts as well as multiple aspects of immigration law, which consider a child's best interests. Specifically, the commenter wrote that all 50 States and the District of Columbia require courts to consider a child's best interests (*e.g.,* the child's safety and well-being; expressed interests; health; and their rights to family integrity, liberty, development, and identity) in decisions about the child's custody, placement, or other critical life issues. While providing detailed remarks and examples, including Executive Office for Immigration Review (EOIR) guidance requiring immigration judges to ''employ age-appropriate procedures whenever a juvenile respondent or witness is present in the courtroom,'' the commenter stated that this same awareness of what is best for children is not reflected in the IFR.

Response: Congress, by the express terms of section 262 of the INA, 8 U.S.C. 1302, intended that the ARR apply to aliens 14 years of age or older. It is the duty of DHS to administer and enforce that law. *See* INA sec. 103(a)(1), 8 U.S.C. 1103(a)(1); *see* E.O. 14159 sec. 7, 90 FR 8443 (Jan. 20, 2025). As explained in the IFR, the IFR did not impose any new registration or fingerprinting obligations separate from the obligations already contained in the INA, including for children who turn 14 years of age. Parents and legal guardians of aliens under the age of 14, not the children themselves, must ensure that those alien children are registered.

b. Information Access, Comprehension, and Developmental Considerations for Minors

Comment: Commenters expressed concern that the IFR would subject children to ''invasive'' reporting requirements. Another commenter similarly wrote that the requirement that non-U.S. citizens aged 14 and older register, provide fingerprints, and list their current address is an ''overstep.'' The commenter reasoned that children's rights should be protected by the law, and many aliens are already registered (*e.g.,* via Form I–94, an EAD, or nonimmigrant or immigrant visa). Thus, the commenter concluded, this policy would not provide any additional protection, but, instead, would encroach on the rights of children and produce fear.

Numerous commenters regarded reporting requirements for minors as inappropriate or unnecessary. Many commenters said it is not developmentally appropriate to expect children ages 14 to 18 to understand and fulfill the requirement to register and be fingerprinted or to safeguard or always carry proof of registration on their person. Commenters stated that the IFR holds children to unrealistically high standard, and that children as young as 14 cannot be expected to understand and fulfill the registration requirement or carry proof of registration—nor can they be expected to be aware of the need to register, in addition to the consequential implications of noncompliance. Another commenter generally remarked that children should not be treated as adults, regardless of their immigration status.

A commenter cited research on the development of children and adolescents and said it would be ''unfair and unwise'' to place such a consequential requirement on children, based on what is known about their development. Other commenters cited numerous scientific studies and standards within the Federal Sentencing Commission to demonstrate that the brains of children and adolescents have not developed fully in a way that provides them the necessary reasoning skills to comply with the registration requirements or meaningfully calculate the long-term effects of certain actions.

Another commenter likewise wrote that the age limit for the unaccompanied minors program illustrates the government's understanding that 18 years old is a reasonable threshold at which to expect that a child is capable of handling their affairs independently. Thus, the commenter concluded, the IFR's application to 14-year-olds ignores the modern understanding of adolescence and a teenager's ability to understand not only the process but also the repercussions of violating the registration requirement. A commenter, similarly raising developmental concerns for minors subject to the IFR, further reasoned that for adults, the choices and consequences presented by the IFR are difficult enough to fully understand; to expect children to make such a decision would be ''unconscionable.''

Multiple commenters similarly expressed concern that the information required for registration may be unavailable or incomprehensible to minors, and specifically, commenters remarked that children 14 years or older may have been very young when they entered the United States and may not easily be able to access their immigration history, such as their date of arrival. Another commenter explained that questions regarding immigration history, dates of entry, and parental information may be difficult for children to know or recall, and questions about criminal history may be misunderstood by a child, including children who have been exploited or trafficked by criminal actors.

Commenters additionally wrote that the Form G–325R asks complex questions that minors would be unlikely to comprehend, such as questions about past and future activities in the United States. A commenter reasoned that the registration process is highly complex, leaving ''no room for errors or gaps''; however, the commenter said, as many of those completing the form would be minors and may have limited English proficiency, such errors could result in serious consequences for that population.

A commenter stated that questions regarding immigration history, dates of entry, and parental information may be difficult for children to know or recall, and questions about criminal history may be misunderstood by a child, including children who have been exploited or trafficked by criminal actors, potentially abridging children's legal rights. The commenter said that many of these questions may be duplicative of information requested on applications for legal relief that a child may already have on file with the government.

A commenter, expressing concerns about impacts of the rule on minors, wrote that the IFR provides no provisions for developmentally appropriate information or guidance related to the many mandatory questions on Form G–325R. A commenter similarly noted that for children under 14 and their guardians, there is a lack of age-specific instruction or accommodation, increasing the risk of mistaken noncompliance.

A commenter wrote that requiring immigrant minors to register with the Federal Government could lead to unnecessary fiscal and health costs, while exposing minors to targeting, arrests, and detention.

Response: DHS notes that many aliens are already registered and, thus, are not directly affected by this IFR or the new general registration option. The statute requires, with limited exceptions, that all aliens over the age 14 who remain in the United States for 30 days or longer must apply for registration and to be fingerprinted, if required, before the expiration of 30 days. Similarly, parents and legal guardians of aliens below the age of 14 must ensure that those aliens are registered. Within 30 days of an alien reaching his or her 14th birthday, all previously registered aliens must apply for re-registration and be fingerprinted. DHS, with the IFR and final rule, has not changed the existing statutory registration requirements established by Congress for aliens. It is within Congress' control and its policy choice to change the statutory registration requirement.

With regard to the complexity of questions on the Form G–325R, aliens who are 14 years or older already receive service of notices to initiate removal proceedings, and must sign their own applications for immigration benefits. *See* 8 CFR 103.2(a)(2), 103.8(c)(2)(ii). The questions on the Form G–325R are similar to the questions asked on other registration forms in 8 CFR 264.1(a), including the Form I–485, Application to Register Permanent Residence or Adjust Status. With regard to aliens under 14 years of age, the parent or legal guardian has the duty to register aliens under 14, using an USCIS online account that the parent or legal guardian creates for the alien child.

Additionally, aliens under the age of 18 are not forced to carry proof of registration at all times. The statutory carry requirement under section 264(e) of the INA, 8 U.S.C. 1304(e) applies only to aliens 18 years of age and over in the United States, including but not limited to those who register using this new process. The statute does not require children under the age of 18 to carry proof of the registration.

Comment: A different commenter suggested that the application of the IFR to minors is misguided. The commenter questioned how fingerprinting migrant children falls under ''Protecting the American People Against Invasion,'' and requested statistics of crimes committed by migrant children in the United States. The commenter further questioned why a child would need fingerprinting as they are being placed into foster care and asked whether the same is done with naturalized children.

Response: The statute requires most aliens over the age of 14 who remain in the United States for 30 days or longer are required to apply for registration and with some exceptions based on age or nonimmigrant status, be fingerprinted. This rule is consistent with the requirements outlined in section 262 of the INA, 8 U.S.C. 1302 and E.O. 14159 and simply prescribe a general registration option available to all unregistered aliens regardless of immigration status. DHS, with the IFR and this final rule, has not created or modified the statutory requirements of an alien's duty to register with the government under section 262 of the INA, 8 U.S.C. 1302. DHS has an obligation to faithfully execute the laws established by Congress, including the alien registration requirement. *See* INA sec. 103(a), 8 U.S.C. 1103(a). The IFR established a general registration option available to all unregistered aliens regardless of immigration status.

Comment: Commenters also expressed concern that children who are forced to carry proof of registration at all times could be marginalized and separated from their citizen peers, which a commenter said would have detrimental developmental impacts.

Response: DHS disagrees with the characterization and the impact described by commenters. Aliens under the age of 18 are not forced to always carry proof of registration. The statutory carry requirement under section 264(e) of the INA, 8 U.S.C. 1304(e) applies only to aliens 18 years of age and over in the United States, including but not limited to those who register using this new process. The statute does not require children under the age of 18 to carry proof of the registration.

c. Inconsistencies or Clarity of the Rule for Minors

Comment: A commenter asked whether children under 14 years of age who enter the United States on a visa are required to re-register under section 262 of the INA, 8 U.S.C. 1302, including the new requirement to register and be fingerprinted when they turn 14 years old.

Response: The statute, with limited exceptions, requires that within 30 days of an alien reaching his or her 14th birthday, all previously registered aliens must apply for re-registration and be fingerprinted. *See* INA sec. 262(b), 8 U.S.C. 1302(b).

Comment: A commenter criticized the IFR as confusing, questioned the applicability of the biometrics requirement to minors under 14, and wrote that border authorities reportedly issued a policy providing for the collection of biometrics from all minors, despite the waiver in the IFR for those under 14.

Response: The statute requires parents and legal guardians of aliens under the age of 14 to register those aliens. These aliens are not required to appear for a biometric services appointment to register, and USCIS will provide evidence of registration after the parent or legal guardian complies with the registration requirement. The collection of biometrics by CBP is outside the scope of the rule.

Comment: A commenter stated the IFR is replete with ambiguities that require more clarification from DHS, including the extent to which the registration requirements are retroactive, and whether they cover people who entered the United States more than 30 days before the IFR was published or takes effect, or whether they cover children subject to registration upon turning 14 who turned 14 more than 30 days before the IFR was published or takes effect. The commenter said, if it is not retroactive, then it is unclear whether DHS is setting the applicability date at the IFR publication date of March 12, 2025, or the IFR effective date of April 11, 2025.

Response: DHS, with the IFR and this final rule, has not created new requirements or modified the legal obligations that most aliens who are in the United States for 30 days or longer to comply with the registration requirements. This rulemaking has

established a general registration option to ensure that all aliens have a way to register. The IFR had an effective date of April 11, 2025, and thus provided sufficient notice again of the enforcement priority pursuant to President Trump's directing on the enforcement priority. *See* 90 FR 11793 (Mar. 12, 2025); *see also* DHS, Press Release, ''Secretary Noem Reminds Foreign Nationals to Register under Longstanding Federal Law or Face Legal Penalties'' (Apr. 11, 2025), *https://www.dhs.gov/news/2025/04/11/secretary-noem-reminds-foreign-nationals-register-or-face-legal-penalties.* In any event, many months have passed since the IFR's publication.

Comment: Commenters stated that children under the age of 14 who were issued an immigrant or a nonimmigrant visa were already registered pursuant to section 221 of the INA, 8 U.S.C. 1201 and should not have to register again.

Response: DHS agrees that an alien who has not turned 14 years old and was issued an immigrant visa or nonimmigrant visa prior to admission to the United States is considered registered under section 262 of the INA, 8 U.S.C. 1302. However, these aliens will have to re-register and be fingerprinted within 30 days after reaching 14 years of age, in accordance with section 262(b) of the INA, 8 U.S.C. 1302(b).

Comment: A commenter stated that it is unclear whether all children who received Form I–551 while under the age of 14 are exempt from the process as long as they comply with the existing rule that they file a Form I–90, Application to Replace Permanent Resident Card, within 30 days of turning 14 to apply for a new Green Card.

The commenter also asked whether children who do not file a Form I–90 within 30 days of turning 14 because their current Green Card expires before they turn 16, would need to complete Form G–325R when they turn 14. These children are using the regulatory exception that allows them not to submit a Form I–90 (and be fingerprinted) until they file their routine Green Card extension application within 6 months of the card's expiration.

Response: DHS notes that in accordance with 8 CFR 264.1(g), an alien who reaches 14 years of age and who is an LPR must apply for registration and to be fingerprinted, unless waived. *See* INA sec. 262(a), 8 U.S.C. 1302(a); *see* 8 CFR 264.1(g). As noted in the Form I–90 instructions, such an alien submits the Form I–90 to comply with his or her duty to register with the government under the statute.[50] Such an alien would not submit the Form G–325R. DHS is also soliciting comments in section V of this preamble on updating the regulatory text in 8 CFR 264.5(b)(8) to align with section 262(b) of the INA, 8 U.S.C. 1302(b), which requires aliens who turn 14 to register irrespective of whether they were registered previously. The instructions of Form I–90 are clear on this point, and accurate.

Comment: A few commenters addressed ambiguities in the IFR's discussion of the provisions for minors. The commenters noted that the rule states in one section that if children have one of the forms listed, they ''need not register again,'' while in another section, the rule states that all ''noncitizen'' children must register when they turn 14, whether previously registered or not. A couple of these commenters quoted the rule, stating that while the IFR explains that someone ''who has previously registered consistent with 8 CFR 264.1(a), or. . .who has evidence of registration consistent with 8 CFR 264.1(b), need not register again,'' it elsewhere states that affected populations include a ''noncitizen'' ''whether previously registered or not, who turns 14 years old in the United States and therefore must register within 30 days after their 14th birthday.''

Response: The statute requires aliens under the age of 14 who remain in the United States for 30 days or longer to be registered by their parents or legal guardians before the expiration of the 30 days. There is no fingerprint requirement for the registration of these aliens under the age of 14. USCIS and the former INS have consistently implemented the plain language of section 262(b) of the INA, 8 U.S.C. 1302(b) (for example, in the context of LPRs turning 14 years of age) over the years. The broad language of the second sentence of section 262(b) of the INA, 8 U.S.C. 1302(b) (''whenever any alien attains his fourteenth birthday in the United States he shall'') compels such aliens to register again and to be fingerprinted (unless waived) within 30 days after their 14th birthday. This requirement has been in place in section 262 of the INA, 8 U.S.C. 1302(b), without amendment by Congress, since the ARR was initially placed in the INA in 1952. Indeed, the requirement (using this language) initially appeared in the Alien Registration Act of 1940, Public Law 76–670.

Comment: A commenter said the IFR does not address how the enumerated criminal penalties would be assessed to children who may not be able to meet the requirements to register or maintain proof of registration.

Commenters noted that the rule is silent on the implications for a child who is not living with a parent or legal guardian, or who lives with one who is abusive or neglectful and does not register on the child's behalf.

Response: DHS notes that the alien registration requirement, including the provisions relating to children under 14 years of age, those who have recently turned 14 years of age within the United States, or those 14 years of age or older, as well as the related criminal penalties, has been a part of our laws since 1940. The IFR and the final rule add another method for compliance with the existing statutory registration requirements. This IFR did not create or modify the obligations and consequences related to the registration requirement, including the criminal penalties. The registration requirement was established by Congress many decades ago and is thus a longstanding legal requirement. While DHS defers to its partners at the DOJ regarding the enforcement of the criminal provisions, DHS notes that for children under 14 years of age, the children themselves face no criminal penalties for a failure or refusal to register, but rather the parents and or the legal guardians could face criminal penalties. For those 14 years of age or older, DHS notes that only a ''willful'' failure or refusal to register is penalized in section 266(a) of the INA, 8 U.S.C. 1306(a).

Comment: A commenter said that the IFR does not consider how law enforcement implementing the carry requirement would distinguish between children under 18 and youth 18 and over. The commenter asked whether this implicitly imposes a separate carry requirement for adolescent children subject to registration to always carry proof of their age on their person and asked what kind of proof of age would suffice.

Response: DHS notes that the IFR and this rule have not changed procedures related to the carry requirements under section 264(e) of the INA, 8 U.S.C. 1304(e). The comments regarding the enforcement of section 264(e) of the INA, 8 U.S.C. 1304(e) is out of scope of this rulemaking. In general, however, DHS agencies enforcing the carry requirement have access to DHS

[50] *See* USCIS, Form I–90, ''Instruction for Application to Replace Permanent Resident Card,'' OMB No. 1615–0082 (expires Feb. 28, 2027), *https://www.uscis.gov/sites/default/files/document/forms/i-90instr.pdf* (''After reaching 14 years of age, a lawful permanent resident must register and submit Form I–90. Registration and fingerprinting are required within 30 days after a child reaches 14 years of age.'').

databases, which contain not only information about whether DHS has issued evidence of registration to a specific alien, but also the alien's age. Additionally, aliens under the age of 18 are not forced to carry proof of registration at all times. The statutory carry requirement under section 264(e) of the INA, 8 U.S.C. 1304(e) applies only to aliens 18 years of age and over in the United States, including but not limited to those who register using this new process. The statute does not require children under the age of 18 to carry proof of the registration.

d. Safety Concerns for Minors

Comment: While citing reports and anecdotal evidence, a commenter additionally expressed concern that uncertainty about registration requirements could expose minors to potential abuse. Specifically, the commenter said that a ''universal registration requirement'' for aliens as proposed under the IFR would increase the vectors by which bad actors impersonating Federal agents can exploit vulnerable migrants, particularly minors, while simultaneously hindering compliance with registration requirements.

A commenter expressed concern that questioning ''undocumented'' minors as young as 14 years old would provide an avenue to incarcerate them, adding that detention facilities are detrimental to mental and physical health and even fatal.

A commenter expressed safety concerns related to the registration requirement for parents and legal guardians while discussing the risks of family safety and stability. The commenter expressed concern with family separation under the IFR, stating that by subjecting parents who fail to register or who lack proof of registration to detention or criminal prosecution, the IFR would institutionalize family separation and psychological harm to children. The commenter added that the IFR requires parents to volunteer information about their children that could expose their children to immigration enforcement, including detention and deportation, impacting the authority of parents to direct the education, nurture, and supervision of their children. The commenter concluded that these impacts on family well-being, autonomy and integrity would violate section 654 of the Treasury General Appropriations Act of 1999.

Response: As stated in the IFR, DHS has determined that the implementation of this regulation will not negatively affect family well-being in accordance with section 654 of the Treasury and General Government Appropriations Act of 1999[51] and will not have any impact on the autonomy and integrity of the family as an institution. *See* 90 FR 11793, 11799 (Mar. 12, 2025). The registration requirement neither impacts the stability or the safety of the family, particularly in terms of the marital commitment, nor the well-being of a family overall. To the contrary, as outlined in President Trump's E.O., enforcing the Nation's immigration laws is critically important to the national security and public safety of the United States and individuals present within the United States. *See* E.O. 14159, sec. 1.

e. Unaccompanied Alien Children

Comment: A commenter, offering highly detailed remarks on the IFR, stated that UACs are among the world's most vulnerable populations, with thousands fleeing violence, persecution, abuse, and trafficking each year. The commenter noted that Congress created specific procedural protections for UACs in the TVPRA to prevent their return to trafficking and other harm. The commenter wrote that the TVPRA provides safeguards for UACs, including exemption from expedited removal, placement in full immigration removal proceedings, the right to have asylum applications first considered by USCIS in an interview setting, and exemption from the 1-year filing deadline for asylum and from the safe third country bar. The commenter expressed concern that the IFR fails to consider these existing protections and the unique needs of UACs. Furthermore, the commenter observed that the IFR does not specifically mention UACs, their legal protections, or provide an exemption for this population. The commenter additionally warned that DHS's failure to consider the specific ways in which the IFR would impact UACs could cause significant harm as a result of noncompliance.

Response: DHS notes that the various existing protections mentioned in the context of UACs were established by Congress through legislation. While various pieces of legislation providing protections for UACs have been enacted, Congress has not made any changes to sections 262 through 266 of the INA, 8 U.S.C. 1302 through 1306, regarding UACs and the alien registration requirement. However, DHS notes that the criminal provision relating to a failure or refusal to register does not apply to aliens under 14 years of age, and for aliens 14 years of age or older requires that such a failure or refusal to register be willful. *See* INA sec. 266(a), 8 U.S.C. 1306(a). In addition, the carry requirement of section 264(e) of the INA, 8 U.S.C. 1304(e), only applies to aliens 18 years of age or older who have been issued evidence of registration by DHS.

Comment: A commenter expressed concern that the rule does not address whether and how UACs who do not have parents or legal guardians in the United States would comply with the initial registration requirement; who would be responsible for registering children in ORR custody or released to a nonparental/non-guardian sponsor; and how UACs turning 18 would learn if they were previously registered or provide evidence of such registration. Another commenter also raised concerns about compliance for those in government custody with ORR. A commenter said that it may be particularly challenging for UACs and those previously in Federal Government custody to obtain the information required for registration.

A commenter stated that the IFR, as written, would cause confusion among shelter providers and sponsors about whether and when children in ORR custody need to register, and who is responsible for registration. The commenter warned that this confusion could expose children to prolonged detention and later arrest due to the rule's vagueness as to who has responsibility for registering them and how to comply when a child is in government custody. The commenter further expressed concern that the IFR does not provide children with a mechanism to comply while in government custody. They explained that children in ORR shelters are rarely permitted to leave and would face structural barriers to complying with the registration requirements, including not having basic access to the rules or the ability to obtain fingerprinting and biometrics. Finally, the commenter warned that the IFR leaves foster children who are in the custody of State foster agencies vulnerable to the risk of arrest and deportation.

Several commenters expressed concern that the IFR lacks clarity regarding who would be required to register an unaccompanied child released to a sponsor who was neither a parent nor a legal guardian. A commenter voiced concern that the rule lacks clarity regarding its application to UACs and their sponsors, which they said may make it less likely that they would be able to determine whether they are required to complete Form G–325R to register with the Federal

[51] *See* Public Law 105–277, 112 Stat. 2681 (1998).

Government. The commenter wrote, under the IFR, parents and legal guardians of alien children under the age of 14 have a duty to register their child, but the IFR does not account for the fact that many UACs under the age of 14 are released to a sponsor who is not their parent or legal guardian. Citing HHS data, the commenter said that, from November 30, 2024, to February 28, 2025, 49.7 percent of UACs in ORR custody were released to a sponsor who was neither a parent nor a legal guardian. Commenting from the viewpoint of a legal services provider for many UACs, the commenter expressed deep concerns about a lack of clarity around who is required to register such individuals and potential penalties for failing to register before the age of 14 and requested additional guidance from DHS around how to ensure young immigrant children comply with the IFR.

A commenter stated that the IFR does not address if and how the registration requirement would be applied to children under the age of 14 placed with non-parental/non-guardian sponsors. The commenter expressed concern that children could be registered inconsistently or with inaccurate information or be compelled to interact with parents with whom they may not otherwise be in contact, potentially risking harm to children seeking protection from abuse, abandonment, neglect, or similar parental mistreatment. Furthermore, the commenter said it is unclear whether UACs or sponsors would be advised of registration requirements through legal orientations during ORR care or upon release, and how children turning 14 while in the care of a non-parent/non-guardian sponsor would learn of related requirements to register themselves. The commenter also expressed concern that a child's registration status could vary unexpectedly over time based on their submission or receipt of immigration forms, their age, or other factors, creating confusion and barriers, particularly for UACs turning 18, who are expected to carry proof of registration at all times or face significant penalties.

A commenter said the rule would have a chilling effect on potential sponsors of UACs, who may fear that they would be targeted if they have not registered, or that, by agreeing to sponsor an unaccompanied child under the age of 14, they would assume a legal obligation to ensure that child is registered.

Another commenter wrote that a lack of clarity around the applicability of the IFR to UACs would increase reluctance among immigrant children to confide in or cooperate with law enforcement, causing particular harm to children who are victims of or witnesses to trafficking or other crimes, making children and communities less safe.

A commenter, citing multiple studies and reports, stated that immigrant children, including many UACs the commenter serves, have suffered trauma—from poverty, trafficking, or violence—that affects cognitive development, maturity, and memory. The commenter said that these conditions could make responding to the registration process more difficult for these children. A commenter in the healthcare sector noted that pediatricians who provide care to immigrant children are reporting great confusion over how to comply with the IFR, as patients who are UACs and their family members or caregivers do not understand whether they are subject to the IFR. The commenter said its members lack clarity from DHS on how best to advise these patients.

Commenters expressed concern that UACs may face prolonged family separation and profound re-traumatization if their sponsors or family are criminally prosecuted for failure to register or carry proof of registration. Similarly, a commenter voiced concern about chilling effects on those willing to be sponsors as a result of the IFR, as adults living with children would be held criminally responsible for complying with the registration requirement. This, the commenter cautioned, would lead to children languishing for longer periods in ORR custody, where educational curricula are limited, and certain developmental needs—such as hugs—are prohibited. A commenter additionally commented that prioritized enforcement against those who fail to comply with registration and fingerprinting requirements could impact potential sponsors of UACs, including children's parents and other family members, impeding their ability to care for children once they leave ORR custody. Consequently, the commenter said, children could face prolonged time in ORR care or face release to more distant and potentially less suitable sponsors.

A commenter said the Department offers no clarity about what would happen to minors who are arrested for noncompliance, including whether they may be returned to Federal custody, such as under ORR. The commenter and others, citing multiple reports, expressed additional concern for children in ORR custody due to the rule's complexity and language requirements, which the commenters warned could lead to unnecessary registrations of children 14 and older and enforcement actions against children and their families. The commenters said this is particularly concerning, as ORR has begun dismantling legal services for UACs and has issued its own IFR for ORR employees to share information about sponsors to ICE.

A commenter, discussing detailed concerns, wrote that the IFR is silent on whether DHS intends to apply the registration requirement to UACs in government custody. The commenter said it is also unclear whether ORR must complete registration forms for children in its care, how ORR would make such determinations, what physical address would be used, how to avoid duplication of registration, and other considerations for UACs. The commenter noted that average lengths of stay in ORR custody exceed 30 days, and some children may remain in long-term foster care placements for months or longer, meaning many UACs may still be in government care when they are required to comply with registration provisions. Citing the ORR Policy Guide, the commenter explained that ORR currently undertakes certain actions to ensure a child's attendance at immigration hearings scheduled while the child is in custody and facilitates access to legal orientations and screenings; however, the commenter noted that ORR generally must not make representations or share information about a child's immigration case with other Federal agencies unless requested by the child or their legal service provider. The commenter said that these safeguards recognize the harmful and prejudicial effect that unauthorized information sharing could have on a child's rights, fair adjudication of applications for humanitarian protection, and overall safety.

The commenter expressed concern that Form G–325R includes numerous questions with potential bearing on a child's immigration case that may also be contained within other legal applications the child is completing or has submitted. The commenter stated it would be inappropriate and prejudicial for ORR to complete this form on a child's behalf, particularly without the child's ability to consult with legal counsel.

A commenter expressed concern about the potential for imprisonment of UACs based on noncompliance with requirements discussed in the IFR, stating that this raises serious issues that the Department should have considered but does not address in the IFR. The commenter stated it would therefore be

possible for UACs to face re-detention in ORR custody or in ICE or other law enforcement facilities. The commenter questioned how any such arrests would comport with the TVPRA, Flores Settlement, and juvenile justice reforms regarding conditions and procedural protections for children and youth.

Response: The IFR and this final rule are limited in scope and establish a general registration option available to all unregistered aliens regardless of immigration status. When Congress established the alien registration requirement in 1940, it did not address scenarios in which an alien child under 14 years of age required to register would be present in the United States without a parent or legal guardian. However, the statute and the registration processes does not require a parent or legal guardian to themselves be present in the United States in order to register an alien child under 14 years of age as required under section 262(b) of the INA, 8 U.S.C. 1302(b). The same is true for UACs under 14 years of age in HHS custody or who have been released to a nonparental or non-legal guardian sponsor; the statute still places duty to register the UAC on the parent or legal guardian. The statute does not place a duty to register a UAC on ORR or on any nonparental or non-legal guardian sponsor. Also, in general, UACs are served Form I–862, Notice to Appear, and placed in removal proceedings by DHS before the UAC is transferred to ORR care, custody, and placement. *See* 8 U.S.C. 1232(a)(5)(D) and 8 CFR 236.3(f)(1). UACs are considered to be registered once the Form I–862 is issued by DHS. *See* 8 CFR 264.1(b). With regard to UACs who are 14 years of age or older, DHS notes that they already receive personal service of notices to initiate removal proceedings on Form I–862, Notice to Appear, which constitutes as evidence of registration in 8 CFR 264.1(b), and must sign their own applications for immigration benefits. *See* 8 CFR 103.8(c)(2)(ii); *see* 8 CFR 103.2(a)(2). DHS, as directed by President Trump in E.O. 14159, has publicized information about the duty of aliens described in section 262 of the INA, 8 U.S.C. 1302, to register and be fingerprinted (if required). In addition to the rulemaking actions to publicize information on the alien registration requirement, USCIS established a dedicated website with information on the ARR and an ARR Tool that may help aliens determine whether they must register.

Also, as mentioned previously, the criminal provision relating to a failure or refusal to register does not apply to aliens under 14 years of age. While DHS defers to its partners at DOJ regarding the enforcement of the criminal provisions, DHS notes that for aliens 14 years of age or older only a ''willful'' failure or refusal to register or be fingerprinted is penalized in section 266(a) of the INA, 8 U.S.C. 1306(a).

If any alien is unsure whether they are registered, an alien may use the ARR Tool established by USCIS, to determine if an alien must register.[52] In addition, the carry requirement of section 264(e) of the INA, 8 U.S.C. 1304(e), only applies to aliens 18 years of age or older who have been issued evidence of registration by DHS.

Comment: Following the placement of an unaccompanied child with a sponsor, the child is to be provided with an NTA (Form I–862), which 8 CFR 264.1(b) lists as satisfying the registration requirements; however, multiple commenters discussed confusion and practical concerns about UACs fulfilling the registration requirements with an NTA. Commenters said that, while the rule exempts those who have been served an NTA, this would be confusing for many UACs and their families. They wrote that UACs not only may be unaware of the specific documentation they have received by nature of their age, vulnerability, and lack of legal competency; but they also may not have received an NTA. While citing a report, some commenters wrote that, until recently, ICE maintained a policy of deferring filings with immigration courts of UACs' NTAs until their placement with sponsors. Furthermore, the commenter reasoned, receipt of NTAs for unaccompanied youth has also been hampered by address changes amongst children and families, and by information errors and improper service by the government.

A commenter remarked that lawyers have reported many cases where DHS either fails to file or delays in filing NTAs that have been issued to UACs with the DOJ's EOIR. The commenter said that, in cases where the form is not filed with EOIR in a timely manner, an unaccompanied child should not be expected to file Form G–325R; instead, once they have been issued an NTA, they should be considered registered. The commenter expressed concern that the IFR does not contemplate this scenario and requested clarity as to whether the issuance of Form I–862 without the filing of said form with EOIR would satisfy the registration requirements.

Response: The IFR and this rule are limited in scope and establish a general registration option available to all unregistered aliens regardless of immigration status. The regulations identify a Form I–862 as constituting evidence of registration under 8 CFR 264.1(b), and an alien with this evidence of registration is considered to have complied with their duty to register with the government under section 262(a) of the INA, 8 U.S.C. 1302(a). If a UAC or his or her sponsor is unsure whether the UAC is registered, the UAC or his or her sponsor may use the ARR Tool established by USCIS, to determine if an alien must register.[53]

Comment: A commenter expressed concern with the requirement to admit juvenile adjudications, even those that were sealed, which the commenter said could have immigration consequences children would not understand.

Response: Under section 262(a) of the INA, 8 U.S.C. 1302(a), forms designated to register aliens ''shall contain queries with respect to . . . the police and criminal record, if any, of such alien.'' *See* INA sec. 264(a), 8 U.S.C. 1304(a). Many forms used to seek immigration benefits request information about the applicant's criminal history, even if the criminal activity occurred when the applicant is a minor. *See, e.g.,* Form I–485, Application to Register Permanent Residence or Adjust Status, Part 9, Question 23; Form I–589, Application for Asylum and for Withholding of Removal, Part B, Question 2.

Comment: A commenter expressed his concerns about the confusion and compliance challenges for UACs, including those in ORR custody, and suggested that there should, at the least, be a clear carveout for children who are currently or have previously been in Federal immigration custody. The commenter reasoned that these children have already been processed by government agencies and should have been issued an NTA, although it may not be in their possession due to government practices and policies, and that these children have necessarily provided biographic and biometric information, rendering further registration unnecessary. Another commenter urged DHS to rescind the IFR, and, at minimum, exempt UACs from the provisions, to prevent the return of this population to trafficking and other harm. The commenter suggested, rather than increasing barriers for UACs facing known harm, DHS could have exempted UACs

[52] *See* USCIS, ''Alien Registration Requirement,'' *https://www.uscis.gov/alienregistration* (last updated May 6, 2025).

[53] *See* USCIS, ''Alien Registration Requirement,'' *https://www.uscis.gov/alienregistration* (last updated May 6, 2025).

altogether or considered children's other legal applications as evidence of registration.

Response: The statute provides limited exemptions [54] to the alien registration requirements. The IFR and this final rule have not created or modified the statutory requirements established by Congress that apply to aliens under 14 years of age, those who have recently turned 14 years of age within the United States, and those 14 years of age or older who are still a ''child'' for immigration purposes.

DHS agrees that aliens issued an NTA on a Form I–862 have evidence of registration in accordance with 8 CFR 264.1(b) and would not complete the general registration option as provided in the IFR and this final rule. An alien is, in general, already registered if the alien:

- Was issued an immigrant or nonimmigrant visa and at his or her most recent arrival was admitted into the United States using that visa;
- Has been issued one of the documents designated as evidence of registration under 8 CFR 264.1(b); or
- Submitted one of the forms designated at 8 CFR 264.1(a) and provided fingerprints (unless waived) but was not issued one of the forms of evidence of registration designated at 8 CFR 264.1(b).

f. Special Immigrant Juveniles

Comment: A commenter expressed concern that children who file Form I–360, seeking SIJ status, would experience difficulties assessing whether they have met the registration requirements. The commenter said, after filing a SIJ-based Form I–360, applicants generally are not required to attend biometrics appointments; however, those who file Form I–765, after they receive a SIJ-based deferred action determination are required to attend a biometrics appointment, although they are not always fingerprinted. The commenter said that many of these children would be uncertain as to whether they are registered and would be unlikely to complete Form G–325R on their own. They urged the Federal Government to take the age and particular vulnerabilities of children who file for SIJ status into account and waive the requirement for children who file Form I–360 to be fingerprinted, just as it waives the requirement for all children under the age of 14.

Response: DHS, as directed by President Trump in E.O. 14159, has publicized information about the duty of aliens described in section 262 of the INA, 8 U.S.C. 1302, to register and be fingerprinted (if required). In addition to the rulemaking actions to publicize information on the alien registration requirement, USCIS established a dedicated website with information on the ARR and an ARR Tool that may help aliens determine whether they must register. If any alien is unsure whether they are registered, an alien may use the ARR Tool established by USCIS, to determine if an alien must register.[55]

An alien issued one of the documents designated as evidence of registration under 8 CFR 264.1(b), including a Form I–766, Employment Authorization Document, has already registered. However, an alien who was issued evidence of registration and turns 14 years old in the United States must apply for reregistration within 30 days after the 14th birthday and be fingerprinted, if required. These aliens may submit a Form G–325R to reregister and be fingerprinted.

These rulemakings have not created or modified the statutory requirements established by Congress that apply to aliens under 14 years of age, those who have recently turned 14 years of age within the United States, and those 14 years of age or older who are still a ''child'' for immigration purposes.

The statute requires aliens 14 years or older to be fingerprinted. *See* INA sec. 262, 8 U.S.C. 1302. Children under the age of 14 do not have to be fingerprinted for purposes of the registration statute. *See* INA sec. 262(b), 8 U.S.C. 1302(b). Pursuant to section 262(c) of the INA, 8 U.S.C. 1302(c), the Secretary may, in the Secretary's discretion and on the basis of reciprocity pursuant to regulations as the Secretary may prescribe, waive the requirement for fingerprinting in the case of any nonimmigrant. *See* INA sec. 262(c), 8 U.S.C. 1302(c). That authority was exercised through long-standing regulations at 8 CFR 264.1(e). The purpose of the IFR was to amend DHS regulations at 8 CFR 264.1(a) and (b) to designate a new registration form and an additional documentation that may serve as evidence of alien registration. The IFR did not alter the existing fingerprinting waiver scheme as outlined in 8 CFR 264.1(e), which is beyond the scope of the IFR and this final rule.

g. Child Survivors

Comment: A commenter expressed particular concern that the registration process could be manipulated by abusers seeking to control, coerce, or intimidate immigrant child victims. The commenter said that although there is an exception to criminal liability for lack of willfulness in failing to register, this exception requires a sophisticated understanding of criminal law, which children between 14 and 18 should not be expected to have, especially if they do not have access to counsel.

Response: DHS agrees that the criminal provision relating to a failure or refusal to register does not apply to aliens under 14 years of age and that, for aliens 14 years of age or older, it requires that such a failure or refusal to register be ''willful.'' INA sec. 266(a), 8 U.S.C. 1306(a), but DHS defers to DOJ regarding enforcement of the criminal provisions.

3. Applicability to Canadian Citizens

a. Burdens and Redundant Requirements for Canadians

Comment: Many commenters expressed concerns about the application to Canadian visitors, with commenters warning that the requirements would deter Canadians from visiting or returning to the United States.

A commenter specifically expressed concern about applicability of the IFR to nonimmigrant Canadian tourists and business travelers, who were not issued an electronic Form I–94 upon processing at a land port of entry, to submit Form G–325R if they plan to be physically present in the United States for 30 days or longer.

A commenter expressed concern that the IFR creates an unnecessary burden on Canadian tourists to the United States. The commenter reasoned that Canadian citizens entering the United States by land typically do not receive an electronic Form I–94, unlike those arriving by air or sea. As a result, the commenter said that hundreds of thousands of Canadian travelers who enter the United States for extended stays of 30 days or longer through land ports of entry would be required to register with USCIS. The commenter said this requirement is redundant given the extensive information sharing between Canada and the United States, including the coordinated Entry/Exit information system established under the Beyond the Border security agreement in 2011, which permits the

[54] Aliens who are exempt from the registration requirement are A and G nonimmigrants in the United States until they cease to be entitled to such nonimmigrant status pursuant to INA sec. 263(b), 8 U.S.C. 1303(b), American Indians born in Canada who entered the United States under INA sec. 289, 8 U.S.C. 1359, and Members of the Kickapoo Traditional Tribe of Texas who entered the United States under the Texas Band of Kickapoo Act sec. 4(d) of Public Law 97–429 (1983)

[55] *See* USCIS, ''Alien Registration Requirement,'' *https://www.uscis.gov/alienregistration* (last updated May 6, 2025).

sharing of biographic entry data on all travelers who cross the land border. The commenter also remarked that the United States has access to Canadian criminal record and public safety information through the Canadian Police Information Centre system.

Commenters expressed concerns with the applicability of the IFR to Canadian visitors who entered the United States at land ports of entry and were not issued evidence of registration, reasoning that it would be overly burdensome for them to fulfill the requirement to create an individual electronic account, complete a form asking for more information than they would have otherwise had to provide for admission into the United States, and then appear for a biometrics appointment at an ASC. Furthermore, the commenters wrote that the Department could better meet the IFR's compliance objectives and increase efficiency by capturing all of the information at one's time of entry, rather than waiting 30 days for such individuals to self-report. A commenter specifically expressed concern that the fingerprinting proposal would lead Canadians to exit en masse and suggested that ''a form and a passport'' is sufficient.

Response: DHS agrees that aliens who are Canadian citizens and admitted at land ports of entry as nonimmigrant visitors for business or pleasure are generally not issued a Form I–94. Under 8 CFR 212.1, a visa is generally not required for these aliens and under 8 CFR 235.1(h), the Form I–94 is not required. An alien who was admitted without the issuance of Form I–94 and without issuance of a nonimmigrant visa under section 221 of the INA, 8 U.S.C. 1201, who remains for 30 days or more in the United States must register in order to comply with section 262 of the INA, 8 U.S.C. 1302. Such an alien may use the general registration option available to all unregistered aliens regardless of immigration status or one of the other paths to registration available under the regulation.

Regarding the commenters' suggestion that it would be reasonable for Canadian visitors to register in connection with their admission to the United States as nonimmigrants, rather than after their admission, DHS agrees. While most Canadian citizens seeking to be admitted at land ports of entry as nonimmigrant visitors for business or pleasure, or for direct transit through the United States, are not subject to the Form I–94 requirement under 8 CFR 235.1(h)(1)(i), they may choose to request a Form I–94 from CBP in advance of their travel at *https://i94.cbp.dhs.gov/home.* Aliens issued Form I–94 upon admission as nonimmigrants are considered registered under 8 CFR 264.1, and a Canadian citizen who opts for this approach has fulfilled his or her duty to register under section 262 of the INA, 8 U.S.C. 1302, and generally, does not have to register again during his or her visit to the United States. DHS agrees with these and other commenters who have suggested that DHS should consider whether there are other processes that include robust information collection and thorough screening and vetting, including the provision of biometrics, that may be suitable ways for aliens to comply with the registration requirement of section 262 of the INA, 8 U.S.C. 1302. DHS has updated the list of prescribed registration forms as well as evidence of registration as a part of this final rule. *See* section IV.A.2 of this preamble. DHS is also seeking comments on the possible addition of other forms. *See* section V. of this preamble.

A nonimmigrant who is a Canadian citizen and who files the G–325R may be eligible for a waiver of the registration fingerprinting requirement under 8 CFR 264.1(e)(2) or, in more limited circumstances, 8 CFR 264.1(e)(1). Once an alien submits the Form G–325R, USCIS reviews the information and any DHS records to determine if an alien is already registered or if fingerprints are required. If a Canadian nonimmigrant who submits Form G–325R is not already registered and is not required to be fingerprinted, USCIS will provide the alien with evidence of registration through his or her USCIS online account without the scheduling of a biometrics appointment. Under section 264(a) of the INA, 8 U.S.C. 1304(a), forms for registration of aliens should collect information related to an alien, including activities in which the alien has been and intends to be engaged. Further, as mentioned in the IFR and this rule, the information an alien provides in the registration process and the biometric collection, if required, provides DHS with additional information about an alien's criminal record, including whether the alien is a known or suspected terrorist. DHS prioritizes the removal of aliens who pose threats to public safety and national security and this information helps DHS address such threats.

b. Requests for Exemptions

Comment: A commenter stated that Canadians should be exempt from the rule, reasoning that requiring registration for Canadians who plan to stay in the United States longer than 30 days adds an unnecessary burden for both Canadian visitors and DHS. The commenter further reasoned that Canadians pose very little to no risk to national security and have close relations with the United States. Another commenter wrote that Canada and the United States ''have always had open borders'' and warned that this would put a strain on relationships across the borders, particularly for Canadians needing access to U.S. medical facilities. The commenter further expressed concern that the rule would stop travel on the Alaska Highway or entry into Canada.

Other commenters discussed the historical and practical reasons for insulating Canadian visitors from registration. Citing research, the commenters stated that, by 1952, Canadians visiting the United States for less than 6 months were exempt from registration requirements, even though there was no clear authorization in the statute for these exemptions. Additionally, the commenters said that, for Canadian visitors present in the United States for 30 days or more, CBP has long waived the need to obtain an admission stamp in their passport or a Form I–94 admission record. Furthermore, the commenters reasoned that CBP admits many Canadian nonimmigrants to the United States at the land border without a Form I–94 admission record. Furthermore, due to CBP's implementation of stampless entry, the commenters said Canadian nonimmigrants are unlikely to be provided an admission stamp that references an entry date, category of admission, and end date. The commenters said that land border entries have always been treated differently due to processing time concerns for pedestrian, commercial, and passenger vehicular traffic, reasoning that, due to CBP's pragmatic approach, Canadians are accustomed to being allowed to remain in the United States for up to 6 months after driving into the United States via a land port of entry. The commenters ultimately expressed concern that the IFR does not maintain these exemptions despite Canadians' low security risk and visa exemptions in most nonimmigrant categories. The commenters said that enforcing the provisional Form I–94 process at land borders would burden limited CBP staff while yielding minimal security benefits.

A commenter similarly recommended exempting Canadian travelers who have not been issued an electronic Form I–94 from the general registration requirement, reasoning that Canadian citizens entering the United States at the

land border should be considered ''registered'' when they are inspected and admitted by CBP officers. The commenter further reasoned that the E.O. was intended to apply to unlawfully present individuals, not tourists temporarily visiting the United States, and noted that the registration form itself does not permit users to enter a foreign address, such as a Canadian residential address.

Response: DHS has an obligation to faithfully execute the laws established by Congress, including the alien registration requirement. *See* INA sec. 103(a), 8 U.S.C. 1103(a). Through the IFR and this final rule, DHS created a new mechanism for aliens to comply with the registration requirement. Creating exemptions to the requirement is beyond the scope of this rule.

DHS notes that as part of the administration's communication outreach, the U.S. Embassy in Canada has created a website with additional guidance as a resource for Canadians traveling to the United States. *See* U.S. Embassy & Consulates in Canada, ''What does the Alien Registration Act mean for Canadians?'' (Mar. 25, 2025), *https://ca.usembassy.gov/alien-registration-requirement/#canadians.* Also, in response to comments, DHS has prescribed additional forms that constitute evidence of registration to the regulations. *See* Section IV of this preamble.

c. Impacts to the Economy and Relations With Canada

Comment: Commenters wrote that Canadians travel to U.S. states like Arizona and Florida, contributing significantly to local communities, tourism, and the economy; commenters cautioned that the rule would alienate Canadians or damage the United States' personal or economic relations with Canada.

Commenters expressed concern that admissions at the northern land border have already decreased, leading to negative implications for the U.S. economy and U.S.-Canadian relations. While providing detailed remarks to support this view, a commenter stated that applying the general registration requirement to Canadian visitors would negatively impact tourism to the United States. The commenter stated that Canada is the largest international tourism market for the United States, with annual spending exceeding $20 billion U.S. dollars, and that Canadians represent almost 40 percent of all foreign visitors to Florida. The commenter added that many local economies in the U.S. Sunbelt are reliant on Canadian visitors and the tourism dollars they bring. The commenter cited estimates from the U.S. Travel Association, writing that a 10 percent reduction in Canadian visitation could result in 2 million fewer visits, or $2.1 billion in lost spending, and 14,000 job losses. The commenter additionally voiced concern that policies such as the registration requirement under the IFR have contributed to decreases in cross-border travel, reasoning that the number of travelers entering the United States in a passenger vehicle dropped from 2,696,512 in February 2024 to 2,223,408 in March 2025—the lowest numbers since April 2022. The commenter characterized the IFR as ''a step backward in bi-national relations and border security strategy,'' noting that there is no reciprocal registration required of U.S. citizens temporarily visiting Canada. They concluded that the IFR establishes an unprecedented registration requirement on Canadian tourists, potentially subjecting them to civil and criminal penalties if they do not timely register with USCIS.

A commenter further emphasized the significant economic relationship between the United States and Canada, and the long-standing, mutually beneficial streamlined procedures for Canadian visitors. The commenters cited Canadian government statistics showing that at the end of 2024, 60 percent of Canada's foreign financial assets and 53 percent of international liabilities were in the United States, with Canadian investors' holdings of U.S. securities increasing by 270 percent over the prior 10 years to $3,044.8 billion.

Response: DHS welcomes all visitors to the United States who follow the appropriate procedures for entry into the United States and appreciates their positive impact and economic contributions.

DHS has the obligation to faithfully execute the laws established by Congress, including the alien registration requirement. *See* INA sec. 103(a), 8 U.S.C. 1103(a). The statute requires most aliens, regardless of country of citizenship or nationality, present in the United States who remain for 30 days or longer to register and with some exceptions based on age or nonimmigrant status, be fingerprinted. DHS, with the IFR and this final rule, has not created these requirements or modified the duties established by Congress for aliens. This rule is consistent with E.O. 14159 and the alien registration requirements in sections 262 through 265 of the INA, 8 U.S.C. 1302 through 1305, and establishes a general registration option available to all unregistered aliens regardless of immigration status. By having prescribed a free, online, convenient, and easily accessible general registration option, DHS hopes to improve registration outcomes for certain groups of aliens.

d. Feedback and Other Recommendations Related to Canadians

Comment: Commenters questioned whether visa-exempt Canadian children who enter the United States under the age of 14 would be subject to the requirement to register and be fingerprinted when they turn 14.

Response: Within 30 days of an alien reaching his or her 14th birthday, all previously registered aliens must apply for re-registration and to be fingerprinted. If an alien does not have any other pathway to register and to be fingerprinted, the alien may file the Form G–325R to comply with their duty under section 262 of the INA, 8 U.S.C. 1302.

Comment: A commenter wrote that Canadian citizens with a valid NEXUS card should not be subjected to checks, reasoning that they have already been vetted, their biometric information is already on file with the U.S. Government, and NEXUS is linked to passports. Another commenter similarly wrote that many Canadian visitors who are frequent border crossers (and, therefore, do not receive a Form I–94 or a Form I–94W upon entry) and who would be subject to the rule possess NEXUS or Global Entry. This commenter said that there is no good reason why NEXUS would not count as valid registration. Another commenter thanked DHS for ''taking [its] border security seriously'' and asked whether Canadians with a NEXUS card would be required to complete the new registration for Canadians staying for more than 30 days. A commenter also questioned if members of the Canadian NEXUS trusted traveler program who had already submitted fingerprints or biometrics would be exempt from the registration requirement.

Response: DHS is aware that there are areas of the existing regulations that could be improved, including amending the list of forms constituted as evidence of registration in 8 CFR 264.1(b). Based on the comment relating to the Trusted Traveler Programs, and as part of this final rule, DHS is updating 8 CFR 264.1(b), to include as evidence of registration a CBP-approved document or its electronic equivalent for the Trusted Traveler Programs, Global Entry, NEXUS, SENTRI, and FAST and include the class of aliens who were last admitted to the United States through

those programs. *See* new 8 CFR 264.1(b).

In regard to biometric collection, DHS has broad statutory authority to collect biometric information when such information is necessary or relevant to the administration of the INA, including for the alien registration requirement under section 264(a) of the INA, 8 U.S.C. 1304(a). *See* 8 CFR 103.2(b)(9), 8 CFR 103.16 and 17. However, an alien who is a Canadian visitor and who files the new registration form may be exempted from the fingerprint requirement under 8 CFR 264.1(e)(2), or, in more limited circumstances, 8 CFR 264.1(e)(1)

Finally, as part of this final rule, DHS is requesting comments on certain proposals that could be finalized through a future rulemaking to improve the usability of the regulations relating to the registration requirement under section 262 of the INA, 8 U.S.C. 1302. *See* section V, Request for Comments, of this preamble.

4. Applicability to Aliens Seeking Humanitarian Relief

Comment: Multiple commenters requested that applicants for humanitarian relief should be considered already registered under the IFR and not be required to file Form G–325R. Specifically, should the rule go into effect, VAWA, T, and U benefit requestors should be considered already registered under 8 U.S.C. 1304 and should not be required to file Form G–325R. The commenter also suggested all immigrants with pending applications for relief who have already supplied USCIS with the same or similar types of information as collected on Form G–325R, should be considered already registered. Another commenter similarly remarked that, at the very least, the IFR should be amended to allow U, T, and VAWA pending applications to satisfy the registration requirement, reasoning that by not doing so, it would create confusion for applicants and additional legal barriers that jeopardize approval of their pending applications. A commenter said that any registration rule should create exceptions for survivors of abuse, crime and human trafficking who may have failed to register due to their fear of repercussions, violence, threats or coercive control by their abuser.

A commenter questioned why this information would not be sufficient to constitute registration, noting that many survivors with pending VAWA, T, or U filings would face complex calculations to determine whether they need to additionally register under the IFR. The commenter stated that survivors of abuse already face significant barriers when requesting legal status, including language access challenges, travel difficulties, and fear of retribution from abusers and traffickers. The commenter said that requiring these individuals to complete a separate registration process wastes resources and exacerbates fear by transforming USCIS from a benefit-granting agency into what they characterized as another enforcement arm of DHS.

Numerous commenters expressed concern that applying the registration requirements to applicants for humanitarian protection would exacerbate barriers to legal protections, including by increasing burdens, fear, and confusion. A commenter said that because the IFR relies on the outdated 1940 Alien Registration Act, many immigration applications, benefits, and standard forms updated in more recent years are excluded from the IFR's purview, creating unnecessary confusion and fear for immigrants who have come forward seeking established benefits and protections. The commenter said that the IFR would cause ''immense confusion,'' as those with DACA or TPS who have already provided extensive information and biometrics to USCIS, may reasonably believe that they have already registered, given the ambiguity and complexity of the rule and the Department's limited public notice of the new registration requirements. A few commenters expressed concerns about the applicability of the registration requirement or a lack of clarity in the IFR about DACA applicants. A commenter questioned why DACA enrollment would not count as a form of registration if not accompanied by an EAD, reasoning that DACA recipients already have submitted a substantial amount of information to USCIS and, thus, should be considered registered ''in all practical sense.'' Another commenter expressed concern that the IFR would cause confusion, including for those with DACA. The commenter said that determining whether a ''noncitizen'' needs to submit a G–325R is extremely complex and depends on several factors including their manner of entry, whether they have been in removal proceedings, whether they have ever filed a Form I–485, whether they have a Form I–766, Employment Authorization Document, and the ultimate decision in their cases. However, the commenter said, the rule is silent on whether someone possessing a regulatory ''form'' or ''evidence'' of registration but who was not fingerprinted would have to use the new registration process, be fingerprinted, or both in order to be registered.

Several commenters wrote that DHS did not provide sufficient rationale for the exclusion of certain applicants for humanitarian benefits from the IFR. A commenter wrote that while the IFR lists about 22 groups of persons who are already considered ''registered'' because they have filed for a benefit and been fingerprinted by DHS, the rule excludes additional groups of persons who have also filed for a benefit and have been fingerprinted, including persons who have filed for U, T, or VAWA benefits in addition to persons who filed for asylum or TPS. The commenter stated that no rationale is provided for the exclusions from this list. Another commenter also expressed concern that DHS seeks to amend the provisions through this IFR to require TPS and asylum applicants to comply with the registration requirement, stating that DHS could easily have designated Form I–821 and I–589 as forms that meet the registration requirement pursuant to this rule, reasoning that these forms collect substantial amounts of biometrics and data about the applicants. Some commenters stated that the IFR inexplicably fails to explain—or even address—the decision not to use these existing forms for purposes of registration, ignoring the impact, including the cost, it will have on these groups and the unnecessary duplicity of the information collection of individuals who have already submitted to DHS screening.

A commenter wrote that DHS did not consider the burdens the IFR would impose on applicants for humanitarian relief, reasoning, for example, that while some I–360 self-petitioners can file Form I–485 with their I–360, not all are eligible for simultaneous filing. While providing detailed remarks and citing multiple studies on the impacts of trauma among survivors, the commenter stated that the IFR would place significant burdens on survivors, further exposing them to safety risks, without taking into account the trauma that results from the violence they have endured.

Commenters further questioned the intent behind the exclusion of certain humanitarian groups, raising concerns of enforcement. A commenter said that the omission of these forms makes it clear that the ''real intent of the IFR is not to 'register' immigrants but instead to criminalize them.'' Another commenter wrote that capturing data the Federal Government already has and requiring aliens to submit to biometrics when they have likely already done so,

is ''arbitrary and seemingly based on bias against these groups of noncitizens who are politically disfavored.'' The commenter warned that, whether intended or not, the consequence of this requirement is that these groups would face another procedural hurdle in obtaining legal status and criminal consequences if they fail to comply. Another commenter said that, if the registration requirement of the IFR were used as an immigration enforcement tool against VAWA, T, and U applicants while their applications are pending, this would undermine the congressional intent of VAWA and the TVPA. Another commenter also remarked that the rule's applicability to VAWA, T, and U visa applicants runs contrary to the IFR's purported law enforcement goals, as these humanitarian relief programs already support law enforcement efforts by encouraging survivors to engage with the justice system

Another commenter recommended that any registration process provide flexibility to allow survivors of violence to correct inconsistencies and consider how victimization may impact an individual's opportunity to comply with the registration process prior to conducting enforcement actions based on 8 U.S.C. 1306(a). The commenter cited a report indicating that 97 percent of victim service providers reported that victims who seek their services are being harassed, monitored, and threatened by offenders misusing technology. They expressed concern that abusers seeking to control, coerce, or intimidate victims might manipulate the registration process by interfering or preventing survivors from accessing the technology needed to complete registration.

Similarly, a commenter wrote that the IFR increases opportunities for bad actors to defraud immigrants and recommended that DHS rescind the IFR. Another commenter wrote that the registration process may be manipulated by abusers, traffickers against vulnerable populations, citing past examples of abusers manipulating victims by using their confusion over immigration forms or fraudulent actors who pose as law enforcement to make money from registering aliens.

Response: DHS notes that the various existing protections in the context of aliens who are applying for immigration benefits under a humanitarian program were established by Congress through legislation. While various pieces of legislation providing protections for aliens have been enacted, Congress has not made any changes to sections 262 through 266 of the INA, 8 U.S.C. 1302 through 1306, regarding these humanitarian programs and the alien registration requirement.

The IFR and this rule is limited in scope to establish a general registration option available to all unregistered aliens regardless of immigration status to improve registration outcomes for certain groups of aliens. An alien who has been issued one of the documents designated as evidence of registration under 8 CFR 264.1(b) has already registered, and an alien who has submitted one of the forms designated at 8 CFR 264.1(a) and provided fingerprints (unless waived), but was not issued one of the evidence of registration designated at 8 CFR 264.1(b), has complied with the registration requirement of section 262 of the INA, 8 U.S.C. 1302. If an alien does not have any other pathway to register and to be fingerprinted, the alien may file the Form G–325R to comply with their duty under section 262 of the INA, 8 U.S.C. 1302.

In addition to the rulemaking actions to publicize information on the alien registration requirement, USCIS established a dedicated website with information on the ARR and an ARR Tool that may help aliens determine whether they must register.[56]

DHS recognizes that the immigration processes can be complex and that requestors, including registrants, may still be at risk of becoming victims of scams or fraud. DHS encourages requestors to use the information on the USCIS website to avoid becoming victims of common scams, fraud and misconduct.[57] DHS also notes an alien who needs to correct an error on his or her Form G–325R should use the same procedures for correcting errors on immigration benefit requests. DHS recommends the alien to either contact the USCIS Contact Center for live assistance or submit an e-Request through the USCIS self-service tools.[58]

As mentioned elsewhere in this preamble, DHS is aware that there are areas of the existing regulations that could be improved, including amending the list of forms prescribed as registration forms in 8 CFR 264.1(a) and the list of forms constituted as evidence of registration in 8 CFR 264.1(b). As part of this final rule, DHS is requesting comments on various ways to amend the DHS regulation to improve implementation of the registration requirement under section 262 of the INA, 8 U.S.C. 1302. *See* section V of this preamble.

5. Applicability to Other Immigrant Populations

a. Lawful Permanent Residents

Comment: Several commenters discussed concerns related to the applicability of the IFR to LPRs. A couple of commenters expressed concern that the E.O. does not specify which immigrant statuses it would affect and, therefore, could be applied to all individuals with immigrant status, including legal immigrants, permanent resident card holders and returning permanent residents after they temporarily leave and return to the United States, creating increased costs and administrative burden for these individuals.

Another commenter similarly wrote that this provision affecting LPRs lacks clarity and that DHS already has the requisite information on LPRs, and they concluded that this section is seemingly outside of the scope of this rule in addition to creating significant confusion regarding whether LPRs fall under the requirement to register ''as if they were an ''undocumented'' individual.'' Another commenter, expressing similar concerns, said that 8 CFR 264.1(g)(1) requires LPRs who are ''temporarily'' absent from the United States to apply for registration upon their return to the United States, and asked what is meant by ''temporarily absent.'' The commenter discussed the practical implications of this regulation and said that it ''does not make sense,'' reasoning that a temporary absence is not a permanent absence, and LPRs should not need to register if their Green Card is already proof of registration.

Response: The current regulation in 8 CFR 264.1(g)(1) applies to LPRs who reach the age of 14 when temporarily absent from the United States; the regulation requires such aliens to apply for registration within 30 days of returning to the United States using the applicable form instructions. For these cases, the alien would file the Form I–90 to register upon his or her return to the United States.[59] LPRs who are present in, or who reenter the United States after a temporary visit abroad, have complied with the alien registration requirement because they are in possession of a Form I–551 (''a green card'') and are generally not

[56] *See* USCIS, ''Alien Registration Requirement,'' *https://www.uscis.gov/alienregistration* (last updated May 6, 2025).

[57] *See* USCIS, ''Scams, Fraud, and Misconduct,'' *https://www.uscis.gov/scams-fraud-and-misconduct*/scams-fraud-and-misconduct (last visited June 24, 2025).

[58] *See* USCIS, ''Case Inquiry,'' *https://egov.uscis.gov/e-request/* (last visited on Jul. 18, 2025).

[59] *See* USCIS, Form I–90, ''Instruction for Application to Replace Permanent Resident Card,'' OMB No. 1615–0082 (expires Feb. 28, 2027).

seeking admission to the United States. *See* INA sec. 101(a)(13)(C), 8 U.S.C. 1101(a)(13)(C).

b. Spouses of U.S. Citizens

Comment: A commenter requested that spouses of U.S. citizens with an I–130 and submitting I–601A waivers should not have to register, reasoning that these individuals ''are trying to do things the legal way.''

Another commenter asked for clarification from DHS regarding aliens who are in the United States illegally but have a pending family petition can stay in United States while waiting for their consular interview. The commenter said that their I–601A waiver application requires fingerprints. The commenter further asked whether registering and opting for voluntary departure would provide any benefits during the consular process, such as waiving the unlawful presence bar and eliminating the need for an I–601A waiver.

The commenter stated that ''technically'' a person is registered if they have applied for an I–601A waiver and have an alien number and have provided the required documents (*e.g.,* resident addresses, date of arrival, existing police reports). The commenter urged DHS to reflect that aliens who are in the process with the National Visa Center and USCIS to attain legal status fulfill the registration requirement.

Response: Aliens who are spouses of U.S. citizens with an approved immigration petition and have applied for a provisional waiver for unlawful presence are not registered unless the alien has been issued one of the documents designated as evidence of registration under 8 CFR 264.1(b). With regard to the question if registering would benefit an alien during the consular process, DHS notes that registration is not an immigration status, and registration documentation does not create an immigration status, establish employment authorization, or provide any other right or benefit under the INA or any other U.S. law.

c. Long-Term Residents

Comment: A commenter urged DHS to consider the unique status of long-term residents. Specifically, the commenter requested that DHS exempt from the registration and fingerprinting requirements law abiding residents who have been present in the United States for over 20 years. The commenter also suggested that DHS develop a framework that distinguishes between genuine security threats and those who have made enduring, positive contributions.

Response: DHS, with the IFR and this final rule, has not changed the existing statutory registration requirements established by Congress for alien in section 262 of the INA, 8 U.S.C. 1302. Because the registration of aliens is required by statute, DHS does not have the authority to categorically exempt such aliens or allow for special considerations; only Congress has that authority. DHS notes that many aliens who are present in the United States have already fulfilled their duty to register through a variety of pathways identified in 8 CFR 264.1.

F. Specific Rule Provisions

1. Regulatory Structure of 8 CFR 264.1(a) and (b)

Comment: A commenter raised concerns about the structure of 8 CFR 264.1, which the commenter said the IFR fails to remedy. Specifically, the commenter expressed concern that 8 CFR 264.1(a) does not list certain forms and applications that, when approved, result in the issuance of documents listed in 8 CFR 264.1(b). The commenter remarked that the regulatory text provides no guidance on whether individuals already possessing a form constituting evidence of registration are required to submit one of the prescribed registration forms if they have not done so already. The commenter concluded that the IFR fails to remedy this contradictory scheme and merely adds one newly created form to each of the lists in 8 CFR 264.1(a) and (b).

A few commenters further discussed contradictory guidance in the rule regarding whether asylum seekers with certain documents (like EADs) are considered registered, creating confusion about compliance requirements.

A commenter reasoned that when DACA is granted and a work permit is issued, that work permit constitutes ''evidence of registration'' according to DHS's regulations. The commenter expressed discontent that the IFR does not address this issue and added that USCIS website's new guidance does not state whether DACA applicants must register using a Form G–325R, while it says applicants for asylum and TPS must do so. The commenter, therefore, requested that the IFR be revised to expressly list Forms I–821D and I–765 as ''registration forms'' under 8 CFR 264.1(a), to relieve DACA applicants of any obligation to register again by using the new Form G–325R, or at least make it clear whether DACA applicants must register even though they have already submitted documents that seemingly satisfy the statute's registration requirements. A commenter articulated additional concern that the IFR creates confusion by using outdated form names and not updating the names of forms listed in 8 CFR 264.1(a) and (b). As an example, the commenter cited Form I–590, ''Registration for Classification as Refugee,'' and said that the regulatory text does not indicate whether a successor form would be considered a registration form, which adds to the confusion.

A commenter said that the rule is vague and confusing, as it excludes certain groups from the list of immigration applications that can serve as proof of registration. Specifically, the commenter noted that applicants for U nonimmigrant status who have submitted Form I–918 and their biometrics, but have not yet received an EAD, presumably must still register, despite having already given detailed information to DHS. Another commenter expressed concern with the IFR's statement that it would amend regulations to designate additional documentation serving as evidence of registration.

Similarly, another commenter wrote that the rule leaves ''crucial'' questions unanswered, exposing individuals to criminal liability for issues beyond their control. The commenter said that while the regulations consider filing Form I–485 a form of registration, an I–485 receipt notice is not listed as an acceptable proof of registration. Similarly, the commenter continued an individual admitted with an immigrant visa would not have proof of their registration until receiving their Permanent Resident Card, which they said could take 90 days from the date of their entry to the United States. The commenter reasoned that individuals entering with immigrant visas are not always issued physical I–94s, nor does the I–94 website reliably provide copies of visa holders' I–94s. In such cases, the commenter said, individuals who have complied with the registration requirement could be subject to criminal liability for failing to carry proof of registration.

A commenter recommended that DHS add receipt notices to 8 CFR 264.1(b) as proof of registration. Citing text from the ''Basis and Purpose of the IFR,'' the commenter reasoned that individuals with pending applications may not have evidence of registration, as ''the acceptable evidence of registration at 8 CFR 264.1(b) is the result of an approved application only.'' The commenter wrote that, since the IFR is already revising 8 CFR 264.1(b) to add Form G–325R as a new proof of registration, DHS should take the

opportunity to add receipt notices for other applications, such as receipt notices for Form I–485 (application for Adjustment of Status). The commenter reasoned that this would help to reduce paperwork, saving those with pending Form I–485 applications from having to fill out another form to comply with registration evidence requirements.

Another commenter, echoing these remarks, stated that the list of proof of registration seems to be based on forms in existence in 1957, which the commenter regarded as ''fundamentally unfair.'' The commenter reasoned that anyone with an alien registration number is fingerprinted and registered by definition. Furthermore, the commenter suggested that anyone who has provided prints in any other immigration context or assigned an alien number should be classified as already registered, regardless of whether the form is on the list or whether their application was denied or is pending.

A commenter suggested that the IFR be revised through normal rulemaking procedures to expand the list of documents providing proof of alien registration such that any foreign national who has provided biometrics may be considered registered. They suggested that USCIS should focus its resources on collecting biographic information and biometrics from those who had not previously submitted applications or attended biometrics appointments. The commenter reasoned that a ''simpler, more efficient solution'' would be to consider Biometrics Appointment Notices (Form I–797C, Notice of Action) that have been stamped and dated by a USCIS officer at an ASC as proof of registration and include this form in 8 CFR 264.1. The commenter said that if the government fears that foreign nationals will fail to provide biometrics, it could be stipulated that a Form I–797 or Form I–797C containing the applicant's name and alien registration number becomes evidence of registration by function of law once biometrics are completed. They further stated that DHS officers, when presented with an individual's name and A-number, should be able to access all required information about that individual through existing systems. Thus, the commenter suggested that individuals who had already submitted immigration applications should not be required to submit the G–325R form, as this would represent an unnecessary duplication of information already in the government's possession.

Commenters wrote that there is no recognition of receipts generated via the Trusted Traveler Programs of CBP, such as Global Entry, as registration documents.

Response: DHS is aware that there are areas of the existing regulations that could be improved, including amending the list of forms prescribed as registration forms in 8 CFR 264.1(a) and the list of forms prescribed as evidence of registration in 8 CFR 264.1(b). Based on the comment relating to current Form I–590, and as part of this final rule, DHS is updating 8 CFR 264.1(a), to correctly reflect Form I–590's current title. *See* new 8 CFR 264.1(a).

In addition, in response to these comments DHS is proposing and requesting comments on amending the regulation to improve implementation of the registration requirement under section 262 of the INA, 8 U.S.C. 1302. *See* section V of this preamble. In addition to proposing adding forms to 8 CFR 264.1(a) and (b), DHS proposes to modify references to specific form names and numbers from various regulatory provisions that have been consolidated, discontinued or modified. *See* section V of this preamble. For the reasons addressed in section V of this preamble, DHS is not adding additional registration forms to 8 CFR 264.1(a) at this time.

DHS notes that as soon as any alien who filed Form G–325R appears and provides biometrics at an USCIS ASC, DHS issues an electronic copy of proof of his or her registration to the alien's myUSCIS account. The electronic copy of the evidence of registration satisfies an alien's obligation to carry proof of registration on his or her person. Although DHS appreciates the suggestion regarding other solutions for proof of registration, DHS believes the electronic version of the proof of registration (USCIS Proof of Alien G–325R Registration) is an efficient solution for an alien to satisfy his or her obligations after providing biometrics.

Most aliens who have been issued one of the documents designated as evidence of registration under 8 CFR 264.1(b) have already registered and are not required to submit one of the prescribed registration forms in 8 CFR 264.1(a) if the alien has not already done so. However, an alien who reaches age 14 years old is required to apply for re-registration and to be fingerprinted.

Finally, DHS disagrees that the information in the IFR concerning whether or not asylum applicants are considered registered was confusing. DHS clearly outlined that asylum, TPS, and DACA applicants who are issued a Form I–766 (EAD), are considered registered. *See* 90 FR at 11795, FN 5 (March 12, 2025). USCIS has provided guidance on its website, including an Alien Registration Requirement (ARR) Tool, that may help with an alien's determination whether he or she is registered or must register. *See* USCIS/DHS, Alien Registration Requirement, *https://www.uscis.gov/alienregistration*.

2. Submission Process

a. Process Is Overly Complex

Comment: Multiple commenters discussed the difficulties immigrants would face in submitting documentation through the myUSCIS account system. A couple of these commenters wrote that DHS had not considered barriers to understanding and complying with complex rules on documentation, particularly for those with limited English language comprehension. A different commenter described the IFR as imposing documentation challenges, while others described the rule as ''extremely convoluted,'' ''lacks clarity and will be inaccessible,'' and ''will likely be impossible for many noncitizens to complete.''

Response: With this IFR and final rule, as always, DHS strives to be fair and efficiently execute the immigration laws established by Congress. In addition to the rulemaking actions to publicize information on the alien registration requirement, USCIS established a dedicated website with information on the ARR and an ARR Tool that may help aliens determine whether they must register.

Comment: A commenter raised concern about minors aged 14 being able to make appointments to comply with registration requirements. The commenter proposed using schools as registration sites to help both citizen and alien minors establish proper ID. Specifically, the commenter suggested incorporating alien registration and Green Card renewals into school ID picture days alongside passport card applications for citizens. The commenter reasoned that schools could use existing student information (with parental consent) to streamline the process. The commenter also wrote that this approach could assist minors with meeting registration or ID requirements. The commenter said that this approach would not single out students who lack legal status, as it would be available to both citizens and ''noncitizens''. Furthermore, the commenter reasoned, schools would protect minors from being charged with illegal presence, thus reducing fear while ensuring compliance.

Response: DHS declines the commenter's suggestion of using schools as registration sites. The Form G–325R

application process is entirely electronic. Similar to other applications and petitions that require the collection of biometrics, USCIS will schedule the alien for a biometric services appointment if biometrics are required to complete the registration. DHS notes that USCIS ASCs are located throughout the United States with at least one center located in each State, as well as the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands. If an alien is unable to attend his or her scheduled biometric appointment for good cause, the alien should contact the USCIS Contact Center to reschedule the biometric appointment.[60]

b. Technical Issues for Attorneys and Representatives

Comment: A few commenters expressed concerns about the lack of guidance in the rule on whether attorneys or accredited representatives would be able to assist clients in the submission process. A commenter noted that their attorneys have been unable to access Form G–325R through their myUSCIS accounts and stated that it is essential for lawyers to have the ability to register their clients. They added that ensuring lawyers can access myUSCIS on behalf of their clients would also benefit USCIS, as lawyers would be better equipped to file forms without errors and respond efficiently to any issues flagged by USCIS. The commenter recommended that the IFR be amended to clarify that lawyers would be able to use myUSCIS accounts to complete Form G–325R on behalf of their clients. Similarly, another commenter expressed concern that registrants would lack necessary legal guidance, increasing the risk of errors or omissions in registrations.

A commenter wrote that their staff would need to ensure clients have completed submission through myUSCIS, adding significant logistical challenges and financial strain for both clients and the organization, and another commenter stated that the system is difficult to navigate and often has system maintenance and outages.

Another commenter described personal experience assisting clients with creating myUSCIS accounts to file applications such as the I–821, I–821D, I–765, and I–90 and reported that the system frequently crashes, permanently locks clients out of their accounts, delays for hours before allowing clients to pay for applications, and otherwise impedes clients from submitting required forms. The commenter stated that experience suggests most ''noncitizens'' would find the process prohibitively difficult and recommended that USCIS devote substantial resources to improving accessibility in ELIS system including hiring officials to improve the technical functioning of online systems, particularly with myUSCIS accounts.

Response: Each alien who is registering with the Form G–325R must complete and submit his or her own Form G–325R from the alien's individual online account. The Form G–325R can only be submitted by the named owner of the USCIS online account. A parent or legal guardian of an alien under the age of 14 who needs to register creates a myUSCIS account for the alien, and then completes and submits the G–325R on behalf of the alien through the alien's myUSCIS online account. If an alien is represented by an attorney or accredited representative for the Form G–325R, the alien may upload the Form G–28, Notice of Entry of Appearance as Attorney or Accredited Representative, as additional evidence or documents.

DHS also notes that if an alien, or parent or legal guardian of an alien under the age of 14, needs technical support with an online account, he or she can send a secure message through the alien's USCIS online account or go to the website, *my.uscis.gov/account/v1/needhelp.*

3. Proof of Registration

Comment: A commenter expressed concerns about the ''Proof of Alien Registration'' document that ''noncitizens'' would be required to carry. The commenter said that unlike other USCIS forms, this document has no identifying number in its title and has not been submitted to the Office of Information and Regulatory Affairs (OIRA) through the PRA. The commenter questioned whether the government intends to issue such documents as proof of registration, or if the registration process is designed primarily to facilitate deportation. The commenter added that DHS provides no guidance on how this form would be recognized as compliant, or whether the ''unique identifier'' number would be an A number or a different number categorization. In light of these uncertainties, the commenter concluded that the IFR is arbitrary and capricious in violation of the APA, and they urged that the rule be rescinded immediately.

Response: DHS disagrees with the commenter. DHS notes that an alien who registered using a Form G–325R and provided biometrics, if required, will be provided an electronic copy of proof of his or her registration (USCIS Proof of Alien G–325R Registration) to the alien's myUSCIS account. In the alien's account, he or she will be able to download and print a PDF version of the notice. The proof of registration contains the alien's name and alien registration number and the Form G–325R receipt number. DHS notes that documents USCIS issues as evidence of alien registration, including the USCIS Proof of Alien G–325R Registration, are not subject to the PRA. Unlike public forms published by USCIS for applicants to seek immigration benefits or submit other requests (such as the Form G–325R), evidence of alien registration do not contain an information collection. Therefore, these documents are not required to be approved by OMB. There is no statutory or regulatory requirement, including under the APA, that such documents have a particular form number to be effective.

Comment: A commenter raised concerns that the IFR does not acknowledge or provide an exception for individuals who are stopped after completing the registration form but before it is processed, before they have been given a fingerprint appointment, or before proof of registration is received, which the commenter said could result in the wrongful arrest and prosecution of such individuals.

A commenter, expressing general concerns about the carry requirement under the IFR, said that possession of a registration form is not an accurate indicator of one's status, reasoning that the form can be stolen, destroyed, lost, or even misplaced, therefore subjecting the individual to unfair criminal charges.

Response: DHS defers to its partners at DOJ regarding the enforcement of criminal penalties. DHS notes that DHS agencies have access to DHS databases to confirm whether the alien satisfied the registration requirement. If evidence of registration issued by USCIS is lost, stolen, or damaged, the alien should refer to the applicable form and instruction to replace that evidence if it is a secure identity document, such as the Form I–551, Permanent Resident Card, and I–766, Employment Authorization Document.

Comment: A commenter expressed concern about the potential for misuse of the new ''Proof of Alien Registration'' document. The commenter characterized the new document as a ''de facto immigrant ID'' that other government agencies, employers, or local authorities may use to demand proof of status.

[60] *See* 8 CFR 103.2(b)(9); *see also* USCIS Contact Center, *https://www.uscis.gov/contactcenter* (last updated Oct. 24, 2025).

Response: The USCIS Proof of Alien G–325R Registration is used as evidence of registration and does not provide proof of an immigration status, establish employment authorization, or provide any other right or benefit under the INA or any other U.S. law.

Comment: A commenter asked whether laminating proof of registration would void it. The commenter additionally asked whether the proof of registration could be used as an ID. Finally, the commenter asked whether the proof of registration would include information such as the alien registration number on it or the picture of the registrant, or whether it would need to be ''matched'' with another form of ID.

Response: Aliens who are issued evidence of registration electronically by DHS, including Form I–94, and the USCIS Proof of Alien G–325R Registration, may laminate the printed copy; it does not void the copy. Certain evidence of registration does not include a picture of the alien but contains biographical information about the alien that DHS agencies can confirm through DHS databases to determine if the alien satisfied the registration requirement.

Comment: Another commenter suggested that an optional ''full'' biometric services fee could be offered for a fraud-resistant, ID-worthy card that would serve as proof of registration. The commenter suggested such a card would be provided to those presenting a foreign passport or other proof of identity that could be linked for future consular reporting and other actions. The commenter reasoned that this could help match individuals in cases of supervised release and be included in the Systematic Alien Verification for Entitlements system, so it is clear whether an individual qualifies for any type of benefit. The commenter stated that with paper it is possible that people would share registration forms, and suggested future regulations ''regarding capturing the alien registration number to an Employer Identification Number or other such forms.''

Response: DHS notes that registration is not an immigration status, and registration documentation does not create an immigration status, establish employment authorization, or provide any other right or benefit under the INA or any other U.S. law. Aliens who apply for registration using the Form G–325R receive only an electronic copy of proof of registration in their myUSCIS account. Regarding the suggestion that DHS create a separate ID card to serve as proof of registration after an ''optional 'full' biometric service fee'', is outside the scope of this rulemaking, but DHS may consider such an option at a future date.

Comment: A commenter requested that DHS explain how those who previously registered but no longer have physical proof (*e.g.,* those who lost their temporary visa) can obtain new proof.

Response: For evidence of registration issued by another Department, DHS defers to that Department's procedures for replacing lost or stolen documentation. However, if evidence of registration issued by USCIS is lost, stolen, or damaged, the alien should refer to the applicable form and instructions to replace that evidence if it is a secure identity document, such as the Form I–551, Permanent Resident Card, and I–766, Employment Authorization Document. If the alien was issued an electronic Form I–94, Arrival/Departure Record, by DHS, the alien may obtain a copy of it by visiting the U.S. CBP I–94 website: Travel Records for U.S. Visitors. An alien who cannot access his or her electronic Form I–94 records and needs a replacement may generally request one by filing Form I–102, Application for Replacement/Initial Nonimmigrant Arrival-Departure Document.

4. Biometrics Process

a. Burdens on Immigrants

Comment: Many commenters stated that the requirement to appear in-person for biometrics collection would create an undue hardship on immigrants. Another couple of commenters wrote that requiring millions to register would impose significant burdens. A few other commenters specifically described unaffordable financial burdens from completing the biometric requirements. A couple of commenters wrote that immigrants would also be navigating ancillary costs and would find compliance with the requirement difficult or unattainable. A commenter wrote that many of the ASCs that process biometrics are geographically inconvenient, providing an example that no such centers exist within the city proper of Chicago, only in the Chicago suburbs. Another commenter remarked that the requirement forces immigrants to avoid criminality by keeping themselves updated on confusing and fast changing legislation.

Other commenters described the burdens of biometric collection for specific groups of immigrants. Other commenters discussed concerns for survivors of abuse, writing that their abusers might keep them from biometrics appointments. In light of these concerns, they recommended flexibility in the requirement and its enforcement toward survivors. A few commenters expressed concern for the burden of biometric compliance on those lacking childcare or transportation. A commenter wrote that the biometric collection requirement would particularly burden those with disabilities. Commenters expressed concern for the time and distance burdens of traveling to ASCs, particularly for those in rural areas. Another commenter stated that the IFR creates a discriminatory impact on aliens who live in rural areas and cannot afford to travel to complete the registration requirements. The commenter stated that these individuals would be ''criminalized'' for being unable to afford to travel.

One commenter articulated that forcing biometric identification on immigrants encroaches on the rights to privacy, the right to free movement set out in the United Nations Universal Declaration of Human Rights, and that the criminal penalties violate the right to be presumed innocent until proven guilty. The commenter further stated that the requirement is a frightening precedent in that it criminalizes vulnerable people.

Response: The statute established by Congress requires certain aliens applying for registration to provide fingerprints. If an alien is required to provide fingerprints after applying for registration, USCIS will schedule the alien for a biometric appointment. If an alien is unable to attend his or her scheduled biometric appointment for good cause, the alien should contact the USCIS Contact Center to reschedule the biometric appointment.[61]

With this IFR and final rule, DHS strives to be fair and efficiently execute the immigration laws established by Congress. The goal is to ensure that aliens understand their duty under the law and have a path to satisfy that duty through the new general registration process and form. DHS notes that USCIS ASCs are located throughout the United States with at least one center located in each State, as well as the District of Columbia, Guam, Puerto Rico, and the U.S. Virgin Islands.

b. Burdens on USCIS and Legal Advocates

Comment: A few commenters questioned whether USCIS had adequately identified the administrative costs of processing biometrics. A commenter wrote that the current numbers of ASCs that can process

[61] USCIS Contact Center, *https://www.uscis.gov/contactcenter,* (last updated Oct 24, 2025).

biometrics are already insufficient and reasoned that the implementation of the biometrics requirement would lead to significant delays and inefficiencies, similar to past experiences attempting to implement biometrics requirements for populations more limited than the population the IFR would involve. The commenter also expressed concern that the biometrics requirement would cause delays in providing verification of registration and would likely not provide greater knowledge of criminal records as the IFR anticipates, describing similar alleged failures of the NSEERS program. One of the commenters questioned whether USCIS has the capacity to fingerprint large numbers of law-abiding, legally admitted aliens without delays that could unfairly criminalize them. Another commenter recommended expanding biometric processing locations and increasing staffing. Similarly, a commenter wrote that the enforcement of the biometric requirements would add significant logistical and financial strain to their organization in order to serve their immigration clients.

Response: The statute requires an alien to provide fingerprints, unless waived, as part of the registration process. In general, USCIS has not seen any significant delays or inefficiencies in biometric collection services for registrants and immigration benefit requestors. Further, USCIS regularly monitors the capacity of Application Support Centers and assesses biometrics collection processes to identify areas to improve biometric operations and processing.

c. Concerns of Biometric Data Collection

Comment: Several commenters raised concerns about data security and privacy surrounding sensitive biometric data, recommending DHS implement robust security measures to protect personal information. One of these commenters specified that centralizing personal information without safeguards or public awareness was concerning. Similarly, another commenter stated that no citizens should be required to give biometric information to the government. A different commenter warned that the requirement could set a dangerous precedent for U.S. citizens and residents. Another commenter urged strong child registration safeguards to prevent trafficking.

Without providing further support, one commenter stated that the government already has access to data for everyone, including immigrants.

Commenters expressed concern that the logistics of the biometric appointment could be counterproductive and unlikely to encourage compliance with registration, undermining the original purpose of the IFR. Similarly, a commenter described how filing Form G–325R would trigger a biometric appointment with USCIS for fingerprinting and stated that many ''undocumented'' immigrants would decide not to register, concluding that the policy goal of the IFR would not be reached.

A commenter described the biometric requirement as part of a registration process that does not provide immigration status or any ''forbearance or relief from deportation or removal.'' One commenter stated that visiting foreign citizens already register and agree to the rules of their visit and concluded that requiring biometrics is unnecessary and intrusive. Similarly, a different commenter wrote that with no clear justification, little transparency, and only limited oversight, the requirement is not administrative compliance or public safety policy but surveillance infrastructure.

Response: Similar to other applications and petitions that require the collection of biometrics by USCIS, the agency has a legal responsibility to safeguard biometric information collected, disseminated, used, or maintained as part of the G–325R process. DHS notes that DHS agencies may collect and store for present or future use, by electronic or other means, the biometric information submitted by an individual. *See* 8 CFR 103.2(b)(9), 103.16 & 17. DHS may use this biometric information to conduct background and security checks, adjudicate immigration and naturalization benefits, and perform other functions related to administering and enforcing the immigration and naturalization laws. *See* 8 CFR 103.16(a).

USCIS will schedule a biometric services appointment for an alien who files a Form G–325R if biometrics are required to issue evidence of registration. Registration is not an immigration status, and registration documentation does not create an immigration status, establish employment authorization, or provide any other right or benefit under the INA or any other U.S. law. An alien who was issued an immigrant or nonimmigrant visa and at his or her most recent arrival was admitted into the United States using that visa is registered. However, the regulation provides limited circumstances where an alien who was issued and admitted to the United States using a nonimmigrant visa may be required to provide biometrics. *See* 8 CFR 264.1(e)(2).

Comment: One commenter criticized the rule for establishing a 30-day deadline for registration and fingerprinting and enforcing the deadline with criminal penalties when USCIS controls the scheduling of fingerprinting. Another commenter asked if scheduling an appointment within 30 days would be sufficient even if the appointment occurs later and suggested linking existing fingerprint records or IDs to streamline registration.

Response: If an alien filed Form G–325R and is required to provide biometrics, USCIS will schedule the alien for a biometric services appointment at a USCIS ASC. If an alien is encountered while waiting for the scheduling of a biometric services appointment, DHS agencies have access to DHS databases to confirm whether the alien is working toward satisfying the registration requirement.

With regard to the comment on linking existing fingerprint records with a registration, DHS has broad statutory authority to collect biometric information when such information is necessary or relevant to the administration of the INA, including for the alien registration requirement under section 264(a) of the INA, 8 U.S.C. 1304(a). *See also* 8 CFR 103.2(b)(9), 8 CFR 103.16 and 17. For the registration requirement, fingerprint collection is a requirement under section 262 of the INA, and generally, USCIS does not reuse biometrics that are associated with an application, petition, or other benefit request to satisfy the registration requirement. The alien must provide biometrics that are associated directly with the registration application unless DHS waives the requirement of fingerprinting. Title 8 CFR 264.1(e) provides a list of circumstances when fingerprints are waived for an alien applying for registration.

Comment: A commenter stated that the IFR does not clearly state whether individuals need to provide only fingerprinting or a full set of biometrics for compliance, nor the rationale or authority for the requirement, concluding that the IFR should be withdrawn. The commenter added that requiring more than fingerprints would be inconsistent with other means of satisfying the registration requirement.

Response: As explained in the IFR (90 FR 11793, 11796 (Mar. 12, 2025)), DHS has the broad statutory authority to collect biometric information, if such information is necessary or relevant to the administration of the INA, including under sections 103(a), 262, and 264(a) of the INA, 8 U.S.C. 1103(a), 1302, 1304(a).

Additionally, pursuant to 8 CFR 103.2(b)(9), 103.16, and 17, DHS may collect, use, and store biometrics, including fingerprints, for purposes of conducting background and security checks, adjudicating benefits and performing other functions related to administering and enforcing immigration laws.[62] The IFR, and the Form G–325R clearly address the biometric services collection and the need for biometrics, including fingerprinting and the biometric services appointment.

d. Biometric Requirement Exceeds Statutory Authority

Comment: A commenter critiqued the statutory interpretation of the IFR, writing that the IFR refers to the collection of ''fingerprints'' in 8 U.S.C. 1302(a), while naming the statutory authority for the registration requirement itself, and referring to a ''biometrics'' appointment when discussing the application of the IFR. The commenter wrote that 8 U.S.C. 1302 has no language regarding ''biometrics,'' and reasoned that the difference in terminology was significant. The commenter stated that if the IFR is intended to collect additional forms of biometrics, the IFR exceeds DHS's statutory authority and fails to explain the basis for collecting additional biometrics.

Response: In recent years, DHS has adopted the practice of referring to fingerprints as ''biometrics,'' ''biometric information,'' or ''biometric services,'' and has amended some of its regulations replacing fingerprints with biometrics. *See, e.g.,* 8 CFR 103.2(a)(9) and (13), and 8 CFR 103.16 and 17. In this rulemaking, DHS generally uses the term biometric when discussing the collection and service appointment. As explained in responses throughout this section, DHS has broad statutory authority to collect biometric information when such information is relevant or necessary to the administration of the INA, including section 264(a), 8 U.S.C. 1304(a).

[62] *See,* in particular, 8 CFR 103.16(a), which states that ''[a]n individual may be required to submit biometric information by law, regulation, **Federal Register** notice or the form instructions applicable to the request type or if required in accordance with 8 CFR 103.2(b)(9). DHS may collect and store for present or future use, by electronic or other means, the biometric information submitted by an individual. DHS may use this biometric information to conduct background and security checks, adjudicate immigration and naturalization benefits, and perform other functions related to administering and enforcing the immigration and naturalization laws.''

5. Filing Fee

Comment: A commenter expressed support for having aliens pay for registration. Many other commenters voiced opposition to the potential $30 fee. Some of these commenters, without providing additional rationale, stated that people should not be required to pay a $30 registration fee. Another commenter said the potential $30 fee was ''egregious.'' A different commenter, who objected to the potential costs of implementing the rule, called the $30 fee a ''joke'' and said that it would cost much more to properly file, store, and allow access to the database.

Other commenters said that, in their experience, even a modest fee can be an insurmountable barrier for many low-income families and immigrants. A commenter stated that the fee would serve as a de facto tax on immigrant poverty, particularly for those who lack work authorization and are therefore more likely to be low-income. Commenters added that the proposal would create a barrier to complying with a legal requirement, as requiring a registration fee for those without the ability to work in the United States means that individuals are either forced to pay a fee they cannot afford or face additional penalties or imprisonment for not registering. Another commenter wrote that the proposed fee increase comes at a time when many are already facing economic hardships, and the fee would make it more difficult for low-income and vulnerable populations to afford necessary immigration services. A commenter said that the fee requirement adds an undue burden to people attempting to attain legal status.

Other commenters said that the $30 fee under consideration would further burden vulnerable populations such as UACs, asylum seekers, and victims of human trafficking and other serious crimes. Another commenter added that applicants for asylum are prohibited from being issued an EAD until the application has been pending for at least 180 days, a $30 fee would be prohibitive for many asylum seekers and many would miss the 30-day filing fee for lack of funds.

A commenter expressed concerns about the accessibility of the registration requirement, stating that the proposed $30 fee would create a financial barrier. Similarly, a commenter stated that some nonimmigrants may not have access to the financial services, such as a bank account, checks, or a credit card, needed to pay the fee, requiring them to pay by mail with a money order. The commenter said that this would create delays in paying the fee that would hinder USCIS operations and leave individuals susceptible to Federal criminal penalties. Another commenter said that unless DHS offers a paper registration form, the proposal creates a process of entrapping many individuals who do not have a bank account or credit card to be able to make a payment through an online account. Another commenter stated that the mechanism for collecting the fee is unclear, and individuals subject to the fee may not be able to make online payments if they do not have a credit card or access to the internet.

Another commenter stated that registrants who are unable to pay the $30 would have no option to apply for a fee waiver when registering online. Commenters further noted that if individuals need to separately file Form I–912, Request for Fee Waiver, USCIS would need a mechanism to connect that application to the $30 biometric fee, the creation of which would be an unnecessary expenditure of government resources.

A few commenters wrote that there is no justification for imposing a fee. A commenter wrote that USCIS acknowledges that the registration system can operate without a fee, showing that the fee serves no legitimate purpose other than to create an obstacle for immigrants who are required to register. Similarly, a commenter remarked that the rule claims that the costs for collecting, storing, and using the biometrics will be borne by DHS, the rule gives no assurance that the cost will not be passed down to the applicant in the form of a $30 registration fee. Another commenter cited the 2024 final fee rule in which USCIS stated that there ''will be no separate biometric service fee for most applicants.'' The commenter added that most forms related to immigration enforcement do not require a biometric services fee. Other commenters said that USCIS fees are generally for benefits requests or for services, such as to acquire or improve one's legal status, but ''noncitizens'' applying for registration do not receive any benefit or service.

A commenter expressed concern that, while the future $30 biometric fee is presented as a hypothetical, it signals an intent to ''commodify compliance.'' Another commenter, expressing concern with the registration requirement, wrote that a $30 fee would be costly and warned that registration would proliferate ''notario fraud.''

Response: DHS has carefully considered the comments. DHS has determined that it will not impose a biometric services fee for registration

applicants as part of this final rule. The approach does not diminish in any way the goals of the IFR, the registration process and outcome, and the implementation of the Administration's directive as articulated in E.O. 14159. This approach provides DHS with additional time to fully assess the effects of the registration implementation, including workload and operational effects. DHS may adopt, in a future rulemaking action, a biometric services fee or any other fee necessary to cover the implementation cost of the registration process. For example, DHS may implement a fee structure for purposes of the registration process in the future as part of USCIS' comprehensive fee review and fee schedule update.

DHS disagrees that there is no justification for imposing a biometric services fee or that the fee would create an obstacle for aliens who are required to register. As outlined in detail in the IFR (90 FR 11793, 11796 (Mar. 12, 2025)), DHS has broad statutory authority to collect biometric information when such information is necessary and relevant to the administration of the INA, including to conduct background and security checks. Collecting the information is warranted as a matter of national security and public safety of the United States.[63] Under the existing statutory and regulatory regime, USCIS may require the payment of a biometric services fee. *See* INA sec. 286(m), 8 U.S.C. 1356(m); 8 CFR 103.2(b)(9), 103.7, 103.17; 8 CFR part 106. Registration under section 262 of the INA, 8 U.S.C. 1302, is a statutory requirement and as such, the Executive is tasked with faithfully executing the immigration laws of the United States.

Comment: A commenter said that the IFR does not clarify whether the new process would involve additional fees, which they said further increases uncertainty for those affected. A different commenter remarked on increased administrative costs for DHS—citing costs of $66 to $96 million for biometric processing—and a lack of a fee structure to offset these costs. The commenter recommended that DHS secure funding or introduce phased implementation with fee waivers for low-income applicants. A commenter suggested that the illegal aliens already in the United States should pay the fees for people who have already gone through the process to enter the country legally.

Response: For the reasons stated in the previous responses, DHS has determined that it will not impose a biometric services fee or any other fee for registration applicants as part of this final rule.

Comment: A commenter said that USCIS has a history of adding fees without justification, stating that H–1B petitioners must pay an asylum fee even though the beneficiaries of H–1B petitions are not seeking asylum. The commenter asked what checks and balances exist to ensure that current fees are justified before imposing new fees.

Response: Consistent with section 286(m) of the INA, 8 U.S.C. 1356(m), DHS is authorized to charge fees for adjudication and naturalization services at a level to ensure recovery of the full costs of providing all such services, including similar costs of services provided without charge to asylum applicants or other immigrants. *See* INA 286(m), 8 U.S.C. 1356(m). Furthermore, as explained in the IFR, DHS has broad statutory and regulatory authority to collect biometric information, including under sections 103 and 264(a) of the INA, 8 U.S.C. 1103, 1304(a), 8 CFR 103.2(b)(9) and 8 CFR 103.16 and 17. However, for the reasons stated previously, DHS and USCIS decided against implementing a biometric services fee for purposes of this final rule.

6. Registration Validity

Comment: A commenter said that the registration requirement for certain populations is redundant, such as those with F or J visas, because they would have been admitted to the country in nonimmigrant status as described on their Form I–94. However, the commenter said that the IFR seems to require re-registration if a person turns 14 while in the United States, even if they have previously been issued a nonimmigrant visa and have a valid I–94 showing their nonimmigrant status. The commenter asked DHS to clarify the necessity to re-register at age 14 for nonimmigrants with F or J visas. Finally, the commenter said that requiring certain people to re-register would create confusion and burden government adjudicators with unnecessary paperwork.

Response: The IFR and final rule has not changed this statutory requirement but fills a gap in the regulation by adding an option for these aliens to now comply with the existing statutory registration requirements. Within 30 days of reaching his or her 14th birthday, all previously registered aliens must apply for re-registration and to be fingerprinted, including most aliens who were issued a nonimmigrant visa and were admitted into the United States using that visa. *See* INA sec. 262(b), 8 U.S.C. 1302(b). Aliens who were admitted using an F or J visa and reached 14 years old after admission may use the new form to register if they have no other pathway to satisfy this requirement.

Comment: Another commenter questioned the 30-day timeframe, noting that the United States typically permits 90-day stays for various purposes. The commenter suggested aligning implementation with this 90-day period, as opposed to a 30-day period.

Response: DHS notes that the statute requires aliens in the United States for 30 days or longer to apply for registration and to be fingerprinted before the expiration of the 30 days. The IFR does not change this statutory requirement established by Congress but fills a gap in the regulation by adding an option for these aliens to comply with the existing statutory registration requirements.

G. Other Issues Relating to the Rule

1. Confidentiality/Privacy of Registration and Fingerprinting

a. General Privacy Concerns

Comment: A few commenters expressed general data privacy and surveillance concerns. The commenters remarked on the risk of misuse of personal data and lack of clear restrictions, while one commenter expressed skepticism about the government's ability to manage such information responsibly, emphasizing the need for scrutiny by citizens and the international community.

Many commenters expressed privacy and data security concerns related to form submissions. Several commenters said the collection and storage of biometric data, and lack of protections stipulated in the IFR, raise concerns about data security and privacy and urged DHS to implement robust security measures and safeguards to protect this information from unauthorized access or misuse. A commenter said that the rule exacerbates concerns related to data privacy and engagement with government agencies. The commenter added that the rule does not specify how information would be used or whether information collected would be securely stored with the proper privacy and oversight. Another commenter expressed concern that the IFR would be used to ''track, control, and subjugate an already disfavored group.'' The commenter remarked that Form G–325R would require registrants to provide extensive personal information, including contact details, addresses for the past 5 years, biographic information,

[63] *See* E.O. 14159 sec. 1.

and details about their family and activities. The commenter added that this level of detail is seen as ''overly intrusive and designed to enhance government surveillance capabilities.'' A commenter stated that past breaches of government databases make the centralization of personal information concerning without stronger protections or public awareness.

Commenters discussed the consequences of potential security breaches and data misuse, including identify theft, improper data sharing, and potential misuse by law enforcement agencies, including racial profiling and civil rights violations. A commenter expressed particular concern that the rule would require immigrants to turn over personal information to the government without due process or concern for privacy or confidentiality, while another expressed concern about a lack of due process before personal information would be shared with ICE.

A commenter said that, unlike programs such as DACA, in this registration process ''the government makes no promises that the data collected through this process will not be used for enforcement purposes.'' A commenter suggested that DHS include a provision in the IFR to restrict the use of registrants' information for immigration enforcement purposes. The commenter reasoned that reasonable policy governing the use of this information would mitigate fears that individuals required to register might face referral to removal proceedings and deportation. The commenter further suggested that DHS propose an information usage policy that protects registrants' information from disclosure to ICE for immigration enforcement, except in cases of fraud, national security, criminal offenses, and public safety.

Commenters noted that the Form G–325R cited systems of record notices and privacy impact assessments (PIAs) related to Computer Linked Application Information Management System 3, ELIS system, and the Benefit Request Intake Process. The commenter further noted that each PIA highlighted privacy risks due to over-collection of information, violating the Privacy Act's data minimization requirements. However, the commenter added that DHS claimed these risks were mitigated through negotiation and approval by OMB during PRA information collection reviews. Similarly, a commenter urged DHS to publish a PIA in order to specify data access limitations and guarantee that registrants' information would not be shared with ICE or law enforcement without due process.

Another commenter stated that Form G–325R solicited more information than what is outlined in section 264(a) of the INA, 8 U.S.C. 1304(a), raising privacy concerns. The commenter remarked that the Data Quality Act helps ensure the accuracy of information that the government disseminates but does not address privacy issues. The commenter further remarked that government surveillance based on ethnic classification and citizenship status raises constitutional issues, and the IFR lacks transparency and consent mechanisms for data use.

Response: The information requested on Form G–325R includes the information required under section 264(a) of the INA, 8 U.S.C. 1304(a), including the date and place of entry of the alien into the United States, activities in which the alien has been and intends to be engaged, the length of time the alien expects to remain in the United States, the police and criminal record of the alien, if any, and any additional matter as may be prescribed by the Secretary. The questions on Form G–325R are also used for identity verification purposes, similar to other applications and petitions that require the collection of information by USCIS.

The submissions provided by alien registrants on a Form G–325R will be collected, protected, and stored through ELIS.[64] The information provided is contained and safeguarded within established databases similarly to the other form types collected by USCIS. DHS notes that the information collected through Form G–325R is stored in ELIS, and that our partners at CBP and ICE have long had read-only access to USCIS systems, including but not limited to ELIS.

DHS declines the commenters' suggestions to add a provision to the IFR and publish a PIA to limit data access and restrict the use of alien registrants' information for immigration enforcement purposes. Under section 264(b) of the INA, 8 U.S.C. 1304(b), all registration and fingerprint records ''shall be confidential, and shall be made available only'': (1) pursuant to section 287(f)(2) of the INA, 8 U.S.C. 1357(f)(2) (*i.e.,* the provision cited by the commenter); and (2) to such persons or agencies as may be designated by the Secretary.[65] The statute does not direct USCIS alone to register aliens and prescribe registration forms, or to hold alien registration records confidential. The statute vests these authorities in the Secretary, in whom all authorities of USCIS, ICE, and other DHS components are vested.[66] As mentioned previously in this preamble, it would make little sense to interpret the confidentiality provision to require the Secretary to hold alien registration information confidential as against ICE and CBP, particularly in light of the Secretary's plenary authority to make alien registration and fingerprint records available ''to such persons or agencies'' as he may designate. In any event, the IFR did not change DHS practices related to the maintenance, collection, and use of the information, including alien registration information; such information was available to ICE and CBP before the IFR under existing DHS information sharing policy,[67] and many aliens who provide information to comply with the alien registration requirements are not covered by the Privacy Act of 1974, by law or policy.[68]

b. Privacy Concerns Related to Survivors

Comment: Several commenters expressed concern that the IFR would negatively impact survivors of domestic abuse and human trafficking because the rule fails to provide sufficient data security protections. A commenter remarked that DHS does not provide clear information regarding the privacy

[64] USCIS' Electronic Immigration System (ELIS) serves as an internal case management system for electronically filed benefit request forms and certain paper forms, along with providing service and system interconnections. This rule also does not change procedures, practices or requirements of DHS agencies to protect against the unauthorized disclosure of personally identifiable information that it collects, disseminates, uses, or maintains in accordance with the Privacy Act of 1974. See DHS Privacy Notice and documents cited therein on Form G–325R Instructions and in applicable system of records notices (SORNs) at *https://www.dhs.gov/system-records-notices-sorns.*

[65] As of March 1, 2023, in accordance with the HSA any reference to the Attorney General in a provision of the INA describing functions that were transferred from the Attorney or other DOJ official to DHS by the HSA, are deemed to refer to the Secretary of Homeland Security. *See* 6 U.S.C. 557; *see also* 6 U.S.C. 542 note; 8 U.S.C. 1551 note.

[66] 6 U.S.C. 112(a)(3).

[67] *See* DHS, ''DHS Policy for Internal Information Exchange and Sharing'' (Feb. 1, 2007), *https://www.hsdl.org/?view&did=469772.*

[68] *See* DHS, '' Privacy Policy and Compliance,'' Instruction Number 047–01–001, Revision 00.1 (Feb. 3, 2025), *https://www.dhs.gov/sites/default/files/2025-02/25_0205_mgmt-047-01-001-Privacy-Policy-Compliance-Instruction.pdf.* Alien registration has typically been covered by a DHS SORN published pursuant to the Privacy Act of 1974, in particular the A-File SORN. *See* 82 FR 43556 (Sept. 18, 2017) (SORN for Department of Homeland Security/U.S. Citizenship and Immigration Services, U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection—001 Alien File, Index, and National File Tracking System of Records). Alien registration information may also be covered by other DHS systems of records, as noted on the registration form used to collect such information.

impact of the IFR, making it difficult for individuals to understand how their information would be used and shared in compliance with existing law. The commenter expressed concern that the lack of clarity affects those protected under 8 U.S.C. 1367, DACA recipients, and survivors of violence and abuse, who may now need to disclose personal information without assured confidentiality and privacy protections.

Multiple other commenters expressed concern that the IFR does not outline how the registration process would comply with 8 U.S.C. 1367, in which Congress codified special privacy and confidentiality protections for survivors of domestic violence, human trafficking, and other serious crimes to prevent abusers and traffickers from weaponizing the immigration system against their victims. One of these commenters stated that privacy and confidentiality are crucial for the safety and healing of sexual assault survivors and survivors often face significant barriers to seeking help due to fears about their information being misused. The commenter urged DHS provide clear, trauma-informed guidance on how it would comply with all statutory privacy and confidentiality protections to ensure survivors' safety and trust. A couple of the other commenters similarly urged DHS to provide clear information on privacy impacts to ensure individuals understand how their data would be used and shared in compliance with existing laws.

Other commenters added that the rule's silence on confidentiality protections would deter survivors of crimes from coming forward to pursue visas and status. The commenters stated that the DHS Office for Civil Rights and Civil Liberties (CRCL) has the authority to provide guidance and oversight on DHS's implementation of 8 U.S.C. 1367 confidentiality provisions. However, with recent staff dismissals at CRCL, survivors have no recourse if their information is shared in violation of these protections.

A commenter stated that mandatory registration, including of current addresses, posed a threat to the right to privacy, and that the threat was ''exacerbated by the IFR's imprecise placement of the new registration system including the Form G–325R within legal obligations imposed by the Privacy Act of 1974.'' The commenter stated that ''[i]nadequate proposed privacy protections for this information—particularly stringent residence registration requirements—is not only troublesome in the abstract but poses real potential considerations for the safety of both minors and survivors of domestic abuse.'' The commenter stated that DHS must provide adequate privacy protections, including clear statutory restrictions on how information provided on the Form G–325R must be provided before the IFR can be safely implemented.

Other commenters stated leaving an abusive relationship is often the most dangerous time for survivors, and many rely on address confidentiality programs to stay safe. Another commenter also expressed concern that the IFR does not adequately explain how individuals can use safe addresses or ensure confidentiality of their physical location from abusers, and does not address confidentiality protections provided for at 8 U.S.C. 1367.

Response: The IFR and this rule filled the gaps in the regulatory regime by prescribing an available registration form, in addition to other forms already available to individuals, that may be used to comply with the statutory registration requirement of section 262 of the INA, 8 U.S.C. 1302. This rulemaking does not change the current DHS procedures or USCIS practice of the maintenance, collection and use of information, to include the statutory confidentiality protections, provided for in 8 U.S.C. 1367, affording protections pertaining to certain aliens who are eligible for and recipients of victim-based immigration relief (specifically, VAWA self-petitioners as well as applicants and petitioners for, and recipients of, T and U nonimmigrant status (protected person)).

This rule also does not change procedures, practices or requirements of DHS agencies to protect against the unauthorized disclosure of personally identifiable information that it collects, disseminates, uses, or maintains in accordance with the Privacy Act of 1974. *See* DHS Privacy Notice and documents cited therein on Form G–325R Instructions and in applicable system of records notices (SORNs) at *https://www.dhs.gov/system-records-notices-sorns.* Moreover, CRCL continues to perform its statutory functions and to review complaints under 8 U.S.C. 1367.

Form G–325R both requires the provision of a physical address and allows aliens to provide a safe address. As with all USCIS forms in which an alien may provide a safe address, if USCIS contacts the alien through the mail it will use the safe address that he or she provides. However, the G–325R process is entirely electronic at this time. All notices sent from USCIS to an alien are uploaded to the alien's USCIS online account. None of the notices correlating to a Form G–325R are issued via mail. Therefore, not only may aliens provide a safe address, consistent with longstanding USCIS practice, USCIS does not at this time send any documents through the mail in connection with Form G–325R.

2. Implementation Timeline

Comment: A commenter requested clarification regarding the registration period and whether the period would be long enough to allow for registration. A commenter stated that the IFR ''does not provide a process for what to do but goes into effect in 3 days'' from the date of their comment.

Some commenters expressed similar concern that the IFR would not provide a clear and appropriate timeframe to facilitate compliance. One commenter stated that the registration form was first published to the USCIS website on February 25, 2025, where it directed the public to apply before the IFR was drafted.

Similarly, a commenter stated that because statutory alien registration requirements have not been enforced in decades, ''many if not most affected individuals are already in violation of the statute.'' The commenter further remarked that ''even if they register on April 11, the day the requirements go into effect, noncitizens have no control over how soon fingerprinting will be completed. Essentially, there appears to be nothing to prevent DHS from initiating roundups of noncitizens on April 11 based on non-compliance, even though these individuals would not have had an opportunity to comply.'' The commenter added that DHS has not provided sufficient notice to the affected public to facilitate compliance with the IFR.

Response: DHS disagrees that the IFR ''does not provide a process for what to do.'' The IFR designated the G–325R and explained the registration process. 90 FR 11793, 11795–96 (Mar. 12, 2025). USCIS also established a dedicated website with information on the Alien Registration Requirement (ARR) and an ARR Tool that help aliens determine if they must register.[69] The tool poses a series of questions to aliens and based on an alien's responses, may help an alien determine if they must register.

Regarding public notice, the IFR had an effective date of April 11, 2025, and thus provided at least 30 days for aliens to register prior to the rule's effective date. The IFR also advised the public of the enforcement priority pursuant to E.O. 14159, which itself was published

[69] See USCIS, ''Alien Registration Requirement,'' *https://www.uscis.gov/alienregistration* (last updated May 6, 2025).

in the **Federal Register** in January 2025. *See* 90 FR 11793 (Mar. 12, 2025); 90 FR 8443 (Jan. 29, 2025); *see also* DHS, Press Release, ''Secretary Noem Reminds Foreign Nationals to Register under Longstanding Federal Law or Face Legal Penalties,'' (Apr. 11, 2025), *https://www.dhs.gov/news/2025/04/11/secretary-noem-reminds-foreign-nationals-register-or-face-legal-penalties* (advising aliens present without registration evidence as of April 11, 2025 to register immediately via USCIS).

3. Other Issues Related to the Rule

Comment: A commenter asked whether a new registration process for aliens who entered illegally could be considered an application for admission under the provisions of the IIRIRA. The commenter further questioned whether registrations should be linked to an application for admission, even if the registration occurs within the U.S. interior, rather than at a border or port of entry.

Response: With some exceptions, an alien who arrives at a port of entry and presents himself or herself for inspection is considered an applicant for admission.[70] Through the inspection process, a CBP officer at a port of entry determines whether the alien is admissible and may enter the United States under all applicable provisions of immigration laws. The registration requirements are separate provisions that provide no immigration status, and the registration documentation does not create an immigration status, establish employment authorization, or provide any other right or benefit under the INA or any other U.S. law.

Comment: A commenter stated that the IFR provides criminal penalties and fines for ''willful failure or refusal'' to comply with the requirements of registration, but provides no notice to affected noncitizens on what qualifies as ''willful.'' The commenter stated that ''this is an essential term that should be defined in the regulation before it becomes final and is effective on individuals.'' The commenter stated that this lack of definition resulted in a lack of adequate notice and understanding of the criminal liabilities and therefore violated due process because individuals could not ''guide their behavior accordingly.'' The commenter noted that DHS has previously defined and provided examples of ''willful'' in other contexts involving merely civil (vice criminal) consequences for non-compliance, such as in the policy manual for inadmissibility due to willful misrepresentation in section 212(a)(6)(C) of the INA, 8 U.S.C. 1182(a)(6)(C).

Response: The rule does not implement the current statutory regime, including the scheme related to the consequences of an alien's failure to register and the failure to carry evidence of registration pursuant to sections 265 and 266 of the INA, U.S.C. 1305 and 1306. Defining the phrase ''willful failure'' contained in section 266(a) of the INA, 8 U.S.C. 1306(a) is outside the scope of this rulemaking. At any rate, the consequences for the failure to register also do not bear on an alien's duty to register in the first place. Therefore, DHS disagrees that ''willful failure'' is an essential phrase in the IFR, and that the lack of defining the phrase fails to give the individual adequate notice to guide his or her behavior accordingly, such that aliens cannot adequately understand or comply with the registration requirement. The alien has a statutory duty to register, irrespective of the consequences for the failure to register.

Comment: A commenter urged DHS to recognize that ''families with over 20 years of residence who have consistently demonstrated loyalty and commitment to the American dream deserve to be spared from the full weight of these new registration and fingerprinting requirements.'' In connection with this proposal, the commenter recommended that DHS engage with community leaders and civil liberties advocates to improve the IFR, '' so that it secures our nation without compromising the fundamental rights set forth in the Declaration of Independence.''

Response: DHS acknowledges the commenter's suggestions for DHS to distinguish between classes of aliens when determining whether they are subject to the registration requirement; however, DHS is tasked with faithfully implementing the law passed by Congress. When creating the registration requirement in section 262 of the INA, 8 U.S.C. 1302, Congress did not create a separate category for such aliens, as is suggested by the commenter, and DHS cannot add such criteria. Also, although not obligated to do so under the APA, DHS has been engaging with the public by seeking public comments to improve the IFR for the community to provide the necessary input to improve the rule.

Comment: A commenter stated that from a public health and social services perspective, the rule would disrupt care, reduce service access, and deepen mistrust between immigrant communities and public institutions. The commenter urged DHS to delay implementation, provide a grace period, and fund multilingual outreach and legal assistance.

Response: DHS is tasked with faithfully implementing the law passed by Congress. Congress has already instructed DHS to implement the statute, and the President has assigned a high priority to implementation. As such, DHS declines to further delay implementation and provide a further grace period. In addition to the rulemaking actions to publicize information on the alien registration requirement, USCIS established a dedicated website with information on the Alien Registration Requirement (ARR) and an ARR Tool that may help aliens determine whether they must register.

H. Statutory and Regulatory Requirements

1. Administrative Procedure Act

a. Procedural Concerns Regarding the Administrative Procedure Act

Comment: Numerous commenters stated that the IFR violates the APA by bypassing the notice-and-comment rulemaking process and indicated that DHS should withdraw the rule and go through notice and comment rulemaking. Some commenters stated that the IFR violated the APA because DHS failed to show why it was in the public interest to implement this rule immediately. Others stated that because failure to comply would be treated as a civil and criminal enforcement priority, which—contrary to DHS's assertions—constitutes a substantive value judgment, the rule was not procedural in nature. Some wrote that the IFR was creating new registration obligations with criminal penalties and thus, should have been classified as a ''legislative'' or ''substantive'' rule requiring full APA compliance. Some commenters expressed general concerns for inadequate procedural protections through the rule's lack of prior notice and comment and said DHS should therefore engage in a full notice-and comment rulemaking process. A commenter said that DHS's failure to update outdated form names, such as Form I–590, ''Registration for Classification as Refugee,'' in the IFR demonstrates that DHS has failed to consider important aspects of the problems and has not articulated a reasoned explanation for the decision to issue the IFR as drafted.

Many commenters indicated that the IFR impacts millions of people, and for the first time in eight decades, DHS was imposing new registration requirements with potential criminal penalties, including imprisonment and fines.

[70] *See* INA sec. 235(a)(1), 8 U.S.C. 1225(a)(1).

Therefore, they stated, DHS's claim that the IFR would merely add another compliance method without altering rights or interests was inaccurate, and proper notice and an appropriate opportunity for comment should have been provided. Several commenters stated that the imposition of a universal alien registration requirement fundamentally alters the individual rights and interests of a significant number of ''noncitizens'' and citizens.

A commenter characterized the IFR as a ''substantive rule in a procedural mask,'' remarking that historical interpretations contradict DHS's claim that the IFR is procedural, as many of the registration requirements were previously contained in subpart A to 8 CFR part 264, which was titled ''Substantive Provisions.'' A commenter wrote that the IFR violates the APA because it ''revives a comprehensive registration scheme that neither the Executive nor Congress has seen fit to implement in 75 years and affects the substantive rights of millions of people.''

Several commenters referenced specific decisions by the D.C. Circuit Court of Appeals to support their position. Multiple commenters remarked that if a rule ''affects the public to a degree sufficient to implicate the policy interests animating notice-and-comment rulemaking,'' it is not procedural. Similarly, a commenter noted that courts have found that even when a Federal agency has deemed protocols to be ''procedural,'' if the change substantively affects the public to a degree sufficient to implicate the policy interests animating notice-and-comment rulemaking, the rule has ''the hallmark of a substantive rule'' and is not entitled to the APA's exception for procedural rules. Citing *Mendoza* v. *Perez,* this commenter also wrote that when agencies impose supplementary strict and specific obligations to implement a broad statutory command, rather than merely reminding parties of preexisting duties under a statute, courts have deemed these actions not to be interpretative rules.

A commenter stated that the procedural rule exception is a '' 'narrow procedural exemption'. . . [and that] [w]ith this IFR, USCIS cannot show that the 'default assumptions of the APA [that a rule is substantive] have been properly displaced' because the IFR is directed at internal processes.'' Another commenter stated that the IFR, while impacting DHS's operations, also has direct, substantive impacts on newly regulated parties, which they said dilute the IFR's procedural nature. A commenter stated that the IFR satisfies at least two elements used by courts to determine whether a rule is legislative: it provides the basis for enforcement actions and explicitly invokes rulemaking authority.[71]

A commenter stated that the NSEERS went through the public notice-and-comment process under the APA before being finalized in August 2002. Commenters reasoned that, instead of an IFR, an NPRM would have enabled stakeholders and the public to weigh in and help DHS avoid arbitrary, capricious, and unduly burdensome questions from being implemented.

Response: DHS disagrees with the commenters' characterization of the IFR as a rule subject to notice and public procedures under the APA as a substantive or legislative rule. DHS explains below why the IFR was a procedural rule. At the outset, however, DHS notes that it has now considered all comments received on the IFR and responded to them in this preamble, thereby providing the notice and comment that commenters sought.

The APA generally requires agencies to publish notice of a proposed rulemaking in the **Federal Register** and allow for a period of public comment. *See* 5 U.S.C. 553(b). However, the APA provides for specific exemptions from the notice and public procedure requirement, including an exemption for rules of agency organization, procedure, or practice (*i.e.,* procedural rules), or when the agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest. *See* 5 U.S.C. 553(b)(A), (B). Invoking any one of the exceptions is sufficient to bypass the advance notice and comment process. Thus, DHS was not required to show when invoking the procedural rule exemption that it was in the public interest to implement the rule immediately within the meaning of the APA, although DHS certainly believes that implementing the law faithfully for the protection of the public, as addressed in E.O. 14159, is always in public interest.

The IFR is a procedural rule under the terms of the statute and under D.C. Circuit case law. First, under the terms of the statute, which applies to ''rules of agency organization, procedure, or practice,'' the IFR is plainly procedural: the IFR designates a procedure for aliens to fulfill their separate substantive obligation, under the statute, to apply to register and be fingerprinted.

Second, in the D.C. Circuit, a procedural rule is one that is ''primarily directed toward improving the efficient and effective operations of an agency.'' *AFL–CIO* v. *NLRB,* 57 F.4th 1023, 1034 (D.C. Cir. 2023) (cleaned up). Under this case law, a critical feature of the procedural rule exception is that it covers agency action that does not alter the rights and interests of parties, although it may alter the manner in which the parties present themselves or their viewpoints to the agency. *See id.; see also JEM Broad. Co., Inc.* v. *FCC,* 22 F.3d 320, 326 (D.C. Cir. 1994) (quoting *Batterton* v. *Marshall,* 648 F.2d 694, 707 (D.C. Cir. 1980)). Additionally, although a procedural rule generally may not ''encode[ ] a substantive value judgment or put[ ] a stamp of approval or disapproval on a given type of behavior,'' *Am. Hosp. Ass'n* v. *Bowen,* 834 F.2d 1037, 1047 (D.C. Cir. 1987), ''the fact that the agency's decision was based on a value judgement about procedural efficiency does not convert the resulting rule into a substantive one,'' *James V. Hurson Assocs.* v. *Glickman,* 229 F.3d 277, 282 (D.C. Cir. 2000).

As explained in the IFR, DHS merely filled the gaps in the regulatory regime by prescribing another available registration form, in addition to other forms already available to aliens, that may be used to comply with the statutory registration requirement of section 262 of the INA, 8 U.S.C. 1302. By prescribing a form in regulation that satisfies the registration requirement under 8 CFR 264.1(a) and evidence of registration under 8 CFR 264.1(b), the agency neither altered any existing legal duty to register nor the legal consequences resulting from a failure to comply with the requirement—to the contrary, the legal duty and obligation was imposed by Congress and has existed for over 80 years. For years, DHS and the former INS have prescribed registration forms in the regulations at 8 CFR part 264.[72]

Adding to the regulations another means for registration did not encode any value judgement about an individual's conduct—it merely provided a process for DHS to

[71] The commenter cited to D.C. Circuit's four-factor test used in *Securities Industry and Financial Markets Association* v. *United States Commodity Futures Trading Commission,* 67 F. Supp. 3d 373, 416 (D.D.C. 2014) (citing to *Am. Mining Cong.* v. *Mine Safety & Health Admin.,* 995 F.2d 1106, 1112 (D.C. Cir. 1993)). The test described in this case is sometimes utilized by courts to distinguish between interpretive rules—which are also exempt from notice-and-comment procedures pursuant to 5 U.S.C. 553(b)(A)—and legislative rules that are subject to notice and comment. The IFR was a procedural rule—a different exception pursuant to 5 U.S.C. 553(b)(A)—and as such, the four-factor test does not apply in this context.

[72] *See* 90 FR 11793 (Mar. 12, 2025) (describing the historical background on the alien registration requirement under the INA).

efficiently register millions of unregistered aliens consistent with statutory requirements. *See* 90 FR 11795 through 11797 (Mar. 12, 2025). Congress, not DHS, encoded the value judgement when prescribing registration obligations, as well as civil and criminal consequences for the failure to comply will result in civil and criminal enforcement. *See* INA sec. 266(a) of the INA, 8 U.S.C. 1306(a).

Furthermore, how many individuals are affected, or how extensive the impact is, is not determinative when assessing whether a rule is a procedural rule. *See Glickman,* 229 F.3d at 281 (''But even if the U.S. Department of Agriculture's elimination of face-to-face did impose a substantial burden on food processors, that burden would not convert the rule into a substantive one.''). Because the IFR merely improved existing agency processes by making available an additional method to register regardless of an alien's individual status, the IFR was primarily directed toward the manner by which the alien presents himself or herself to the agency and as such was a procedural rule. *See Glickman,* 229 F.3d at 280; *see also Elec. Priv. Info. Ctr. (EPIC)* v. *U.S. Dep't of Homeland Sec.,* 653 F.3d 1, 5 (D.C. Cir. 2011) (even ''a rule with a 'substantial impact' upon the persons subject to it is not necessarily a substantive rule''); *Lamoille Valley R. Co.* v. *ICC,* 711 F.2d 295, 328 (D.C. Cir. 1983) (holding that an order changing the schedule for an adjudication, including when parties were to submit briefing, was a procedural rule); *Ranger* v. *FCC,* 294 F.2d 240, 244 (D.C. Cir. 1961) (while holding that a rule was procedural, noting that ''no substantive rights were actually involved by the regulation itself'' even if ''failure to observe it might cause the loss of substantive rights'').

Moreover, this is not a procedural rule in which notice and comment are needed to safeguard the policies underlying the APA's notice and comment requirements.[73] Section 262 of the INA, 8 U.S.C. 1302, is clear—it unequivocally imposes a duty on aliens present in the United States of more than 30 days to register. It follows that, a rule prescribing a form that individuals may use to comply with the statutory obligations is not a substantive rule.

It is not the first time that DHS, or its predecessor, has invoked the procedural rule exception to bypass notice-and-comment procedure under the APA when amending 8 CFR 264.1 in a similar manner. For example, in 1960, DOJ added the Form I–590, Registration for Classification as a Refugee—Escapee to 8 CFR 264.1(a) without engaging in notice-and-comment procedures.[74] In 1970, DOJ added Form I–485A, Application by Cuban Refugee for Permanent Residence.[75] Adding Form G–325R is not materially different from these past efforts, and the use of the procedural rule exception is well documented. DHS acknowledges that for purposes of NSEERS, the agency went through the public notice and comment process before finalizing the rule. *See* 67 FR 40581 (June 13, 2002) (NPRM); 67 FR 52584 (Aug. 12, 2002) (final rule). Unlike NSEERS, which established criteria for the special population being addressed, the IFR and this final rule merely identify a new registration form and evidence of registration. Even if the rules were similar, DHS notes as a general matter that a previous decision on how to approach a rulemaking does not obligate DHS to proceed in the same manner in a future rulemaking; prior approaches do not attach any weight to an agency's varied approaches in similar rules.[76] At any rate, DHS has provided an opportunity to comment on the IFR and has considered and responded to those comments.

b. The Good Cause and Foreign Affairs Exceptions to the Administrative Procedure Act

Comment: A commenter expressed concern that the IFR violated the APA by failing to provide adequate notice and comment, noting that DHS's ''good cause'' claim was unjustified as no emergency existed to bypass public input. Two commenters stated that DHS failed to demonstrate ''good cause'' for bypassing notice-and-comment procedures, and therefore, the IFR must be subjected to pre-enforcement notice-and-comment to be valid.

While remarking on the foreign affairs exception, the commenter noted that on March 14, 2025, Secretary of State Marco Rubio issued a determination published in the **Federal Register** asserting that immigration policies constitute foreign affairs functions of the United States and are therefore exempt from the APA's notice-and-comment requirements. The commenter further noted section 553(a) of the APA that exempts certain rulemaking from notice-and-comment requirements when the rule involves a foreign affairs function of the United States. However, the commenter reasoned that the foreign affairs exception is not justified for an immigration rule because the government was not able to show that adhering to notice-and-comment procedures ''will provoke definitely undesirable international consequences.'' The commenter remarked that the IFR would impact millions of individuals residing within U.S. borders and would have had little impact, if any, on foreign relations. As such, the rule could not be insulated from judicial review or public accountability on the basis of the foreign affairs exception.

Response: DHS issued the IFR without prior notice and an opportunity to comment under the procedural rule exception under 5 U.S.C. 553(b)(A). Although DHS believes that the rule could meet the foreign affairs exemption pursuant to State's determination, DHS did not invoke the foreign affairs exemption under 5 U.S.C. 553(a). DHS did also not invoke the good cause exception under 5 U.S.C. 553(b). Therefore, these comments are out of scope.

c. Assertions That the Rule Is Arbitrary and Capricious

Comment: Multiple commenters expressed concern that the IFR is arbitrary and capricious under the APA.

[73] *See JEM Broad. Co.,* 22 F.3d at 327; *EPIC,* 653 F.3d at 6.

[74] *See* 25 FR 10495 (Nov. 2, 1960) (''This order shall become effective on the date of its publication in the **Federal Register**. Compliance with the provision of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order relate to the agency procedure and management.'').

[75] *See* 35 FR 12268, 12268–69 (July 31, 1970) (invoking the procedural rule exception under the APA). Other rules that modified 8 CFR 264.1 by invoking the procedural rule exception under the APA include78 FR 18457 (Mar. 27, 2013) (adding online I–94 based on exception for ''rules of agency organization, procedure, or practice''); 30 FR 13862, 13863 (Nov. 2, 1965) (amending listing of Forms I–90 (Application by Lawful Permanent Resident Alien for Alien Register Receipt) and I–102 (Application by Nonimmigration alien for Replacement of Arrival Document or for Alien Registration) under 8 CFR 264.1(b) without notice and comment as ''relat[ing] to agency procedure''); 25 FR 10495 (Nov. 2, 1960) (added the Form I–590 (Registration for Classification as Refugee-Escapee) to 8 CFR 264.1 without notice and comment as ''relat[ing] to agency procedure and management.'').

[76] *See, e.g., Hoctor* v. *U.S. Dep't of Agric.,* 82 F.3d 165, 171–72 (7th Cir. 1996) (observing that there is nothing in the APA to forbid an agency to use notice-and-comment procedures even if not required under the APA and that courts should attach no weight to an agency's varied approaches involving similar rules); *see also Indep. Living Res.v. Oregon Arena Cor*p., 982 F. Supp. 698, 744 n.62 (D. Or. 1997) (observing that agencies may voluntarily elect notice-and-comment procedures for a variety of reasons even though not required); *cf. Perez* v. *Mortg. Bankers Ass'n,* 575 U.S. 92, 101–02 (2015) (noting that agencies may grant additional procedural rights in the exercise of their discretion, including notice and an opportunity to comment when not otherwise required by the APA, but also noting that ''reviewing courts are generally not free to impose [additional procedural rights] if the agencies have not chosen to grant them'').

A commenter wrote that ''the rule is so vague, contradictory, inconsistent, irrational, and poorly drafted that it is arbitrary and capricious.'' Another commenter said DHS failed to provide a reasoned explanation for its decision or consider reasonable alternatives. Another commenter stated that when an agency changes course, it ''must be cognizant that longstanding policies may have engendered serious reliance interests that must be taken into account,'' and failure to do so is arbitrary and capricious. The commenter added that DHS failed to consider several important aspects of the problems inherent in forced immigrant registries, including the dark history associated with forcing disfavored minority groups to register with the government, the prevalence of racial profiling, the impact on U.S. citizens of color, Fifth Amendment concerns about self-incrimination, and the true administrative burdens of a coercive immigrant registry.

Similarly, a union added that the IFR is arbitrary and capricious because it lacked a credible explanation for departing from longstanding agency practice and failed to consider its constitutional implications, impact on freedom of association, labor rights enforcement, workplace standards, DHS resources; and other ramifications for ''noncitizens''. A commenter wrote that the IFR is ''arbitrary, capricious, [or] an abuse of discretion'' and thus prohibited under the APA, 5 U.S.C. 706(2)(A). The commenter added that this is because DHS departed from longstanding policy without articulating a reasoned explanation for doing so, did not take central aspects of the problems created into account, and failed to consider reasonable alternatives. They also wrote that the rule is not in response to wartime threat nor national security, and thus also ''arbitrary.'' A commenter said that the IFR is arbitrary and capricious due to DHS's failure to account for the difficulties and risks faced by survivors and applicants of humanitarian relief in complying with this rule.

Response: DHS disagrees that the rulemaking lacked explanation or is arbitrary and capricious. The IFR was promulgated to provide an additional registration pathway for aliens required to register under the existing statutory framework prescribed in sections 261 through 266 of the INA, 8 U.S.C. 1301 through 1306. *See* 90 FR 11793, 11795. Section 7 of E.O. 14159 directs the Secretary of Homeland Security, among other things, to ensure that all previously unregistered aliens in the United States comply with the registration requirement. *See* 90 FR 11793, 11795. In the IFR, DHS clearly outlined why it is appropriate to designate Form G–325R as a general registration form to improve the registration outcome for certain groups of aliens, consistent with the E.O. *See* 90 FR 11793,11795 (Mar. 12, 2025). The rule is reasonably related to its stated objectives and is not arbitrary and capricious.[77]

d. Reliance Interests

Comment: Some commenters addressed the issue of reliance interests, expressing concern that the IFR would disrupt the expectations and dependencies that individuals have developed based on existing immigration policies. For example, a commenter stated that by forgoing notice-and-comment rulemaking, DHS ignored the reliance interests of the public. The commenter added that the affected community is not accustomed to registering, as it has never been required before, and now millions would need to comply with a new registration requirement. The commenter stated that when a prior policy has engendered serious reliance interests, a government agency must provide a detailed explanation for changes. Sudden shifts, especially with criminal penalty implications, require sustained outreach to all stakeholders, not a surprise announcement. Similarly, a commenter stated that, in issuing the IFR, DHS has ignored the settled expectations and reliance interests of millions of people who have not had an obligation to register with the Federal Government.

Response: DHS disagrees that DHS failed to consider reliance interests of applicants and that the obligation to register comes as a surprise announcement. The existing statutory registration requirement is over 80 years old and since 1952, has been incorporated by Congress into the INA, as amended. The longstanding statutory requirements appear, it is current form, at sections 261 through 266 of the INA, 8 U.S.C. 1301 through 1306. Over time, administrations prescribed the forms through which aliens could comply with the statutory requirement at 8 CFR 264.1. DHS did not change the scope of the statutory requirement; DHS merely provided aliens with another means to efficiently comply with the registration requirement.

Even if the government failed to capture the group of aliens in the past, whose registration outcome is improved through this rule by adding an additional means to register, DHS does not believe that these aliens have a significant and legitimate reliance interest in the government's failure to enforce the law. It is the duty of the Executive, under Article II of the U.S. Constitution, to faithfully execute the law.[78] Nevertheless, the agency considered the affected population, as well as the costs and time burden to the affected population. *See* 90 FR 11793,11797 (Mar. 12, 2025). DHS currently provides the registration service free of charge and it will not, at this time, charge a biometric services fee.

DHS also carefully considered the benefits of the registration rule, including the improved DHS law enforcement efficacy and the significant public safety aspects (such as that an increase in compliance with the fingerprinting requirement would provide DHS with additional information about an alien's criminal record). *See* 90 FR 11793, 11797 through 11798 (Mar. 12, 2025). While the obligation to register is outside of this rule's purview as it is set by law, DHS clearly provided reasonable explanations for prescribing an additional form and the continued implementation of this important congressional mandate, as recognized by the President in E.O. 14159, clearly outweighed the interests of aliens required to register. *See* 90 FR, 11793, 11797 through 11798 (Mar. 12, 2025).

e. Length of Comment Period

Comment: Numerous commenters remarked that the 30-day comment period is not long enough to ''meaningfully comment'' on such a significant policy change. A commenter referenced a decision of the U.S. Court

[77] *See Motor Vehicle Mfrs. Ass'n of U.S., Inc.* v. *State Farm Mut. Auto. Ins. Co,* 463 U.S. 29, 43 (1983) (''The scope of review under the 'arbitrary and capricious' standard is narrow and a court is not to substitute its judgment for that of the agency. Nevertheless, the agency must examine the relevant data and articulate a satisfactory explanation for its action including a 'rational connection between the facts found and the choice made.' '').

[78] A historical practice itself does not inform what the law requires. The government cannot be estopped from fulfilling the duty to protect the public interest in accordance with the law and by enforcing the law. *See Moran Mar. Assocs.* v. *U.S. Coast Guard,* 526 F. Supp. 335, 342 (D.D.C. 1981), *aff'd sub nom. Moran Mar. Assocs. Am. Waterways Operators, Inc.* v. *U.S. Coast Guard,* 679 F.2d 261 (D.C. Cir. 1982) (''The Court agrees that prior inaction by the Coast Guard does not now bar the agency from implementing the clear mandate of the regulation and its authorizing statute.''); *Warshauer* v. *Chao,* No. 4:06–CV–0103, 2008 WL 2622799 at *31 (N.D. Ga. 2008), *aff'd,* 577 F.3d 1330 (11th Cir. 2009) (''Courts repeatedly have held that the government cannot be estopped from enforcing the law even if the Government did not enforce the law in the past.'').

of Appeals for the D.C. Circuit, which established that Government agencies must afford ''interested persons a reasonable and meaningful opportunity to participate in the rulemaking process.'' A commenter expressed concern that 30 days is insufficient time for the public to comment on a significant change to immigration law. A commenter stated that the truncated 30-day comment period was particularly problematic since they had to dedicate resources to educating the immigrant community about the IFR. Other commenters remarked that the due date for comments on the IFR was April 11, 2025, the same day the rule becomes operational, creating the perception that public comments would not be meaningfully considered. Another commenter recommended that DHS not ''fast-track'' the IFR and instead consider every public comment thoughtfully and carefully.

Numerous commenters recommended that the Department either rescind the IFR, reissue it with a longer comment period, or both, and suggested the new comment period be at least 60 days. A commenter stated that E.O. 12866 specifies that rulemaking ''in most cases should include a comment period of not less than 60 days,'' and E.O. 13563 states that agencies should provide ''a comment period that should generally be at least 60 days.'' A commenter requested that the comment period be extended to 60 days as provided by previous E.O.s. A commenter urged DHS to withdraw the IFR and instead publish a proposed rule that fully complies with the requirements of the APA, including a 60-day period for public comments.

The same commenter remarked that if DHS had given the proper notice and published the rule as an NPRM, they would have been able to submit a more comprehensive comment to the rule.

Response: DHS disagrees that the public was not provided with a reasonable and sufficient comment period. Adding Form G–325R to the regulation as an additional means to register is a procedural rule, not subject to the notice-and-comment requirement under 5 U.S.C. 553(b) and (c). Therefore, DHS was under no obligation to provide a notice-and-comment period. Nevertheless, DHS provided a 30-day period for post-promulgation comment and public input. The APA does not specify a minimum comment period. On January 20, 2025, the President issued E.O. 14159, which put the public on notice that alien registration requirements would be a priority of the current Administration. *See* 90 FR 8443 (Jan. 29, 2025). In addition, the IFR itself was posted for public inspection on March 7, 2025. 90 FR 11793, 11800 (Mar. 12, 2025). Commenters therefore had 47 days from the date of the E.O. until they first had access to the IFR in order to familiarize themselves with the existing statute and regulations, and 36 days from the date of public inspection until the comment deadline to submit their comments on the NPRM. And the secondary comment period for purposes of the information collection closed on May 12, 2025, 67 days after the IFR was posted for public inspection. DHS believes that this was a reasonable time period given the clarity of the statute and straightforward purpose of the IFR.

f. Other Comments Related to the Administrative Procedure Act

Comment: A commenter remarked that anonymous comments should not be considered valid, questioning the right of individuals to demand others' personal information if they are unwilling to provide their own. On the other hand, a commenter expressed concern about submitting their comment with their name attached due to potential retaliatory actions by the Administration against opponents. A commenter urged DHS to ignore comments from United We Dream.

Response: As outlined in the IFR, DHS welcomes and considers any and all comments submitted in accordance with the instructions provided in the IFR.

2. Regulatory Impact Analysis, Costs, and Benefits (E.O. 12866 and E.O. 13563)

a. Underestimated and Insufficiently Assessed Costs to Federal Government

Underestimated or Insufficiently Addressed Costs

Comment: Many commenters objected that DHS has underestimated and insufficiently assessed the costs of processing Form G–325R and associated biometrics. A few commenters specifically voiced concern that processing millions of new registrations and biometrics would require a substantial allocation of DHS resources and that the estimated $30 cost per applicant for biometric services, while seemingly small, would amount to a significant expense when multiplied by millions of individuals. Several commenters acknowledged that, while the IFR provides a limited assessment of biometrics processing costs, it makes no mention of the cost implications of adding an entirely new form to be used by potentially millions of ''noncitizens''. A few commenters, wrote that the Department did not adequately identify and assess administrative costs, writing that the cost discussion of biometrics processing was insufficient and there was no discussion of needed personnel, materials, and overhead costs. A commenter described the estimated $10 million annual financial cost of the NSEERS program in the first years of its use as an instructive example due to wastefulness. One commenter expressed concern that DHS did not provide clarity around how it would manage the ''massive'' influx of registrations. A commenter stated that the rule would cost approximately $72 million to advance what they characterized as an ''unnecessary scheme.'' One commenter stated that the IFR ''omits any reference'' to the OMB Supporting Statement for Form G–325R and its estimated $71,960,000 in government costs related to the form.

Response: The analysis provided in the IFR addressed the direct effects of increased compliance as a result of the rule, including the PRA estimates on the opportunity cost of the collection of information, recognizing the rule did not impose any new obligations for registration, insofar as such obligations have long been contained in the INA. The unit costs are discussed in this final rule related to submitting forms and the burden to the Agency related to biometrics as well as the opportunity cost of time for aliens to complete Form G–325R.

As mentioned previously in this preamble, DHS has determined that it will not impose a biometric services fee for registration applicants as part of this final rule. DHS also notes that USCIS has not generally seen any significant delays or inefficiencies in biometric collection services. As part of the upcoming USCIS fee schedule rulemaking, USCIS will reassess its needs and determine whether more resources are necessary to address processing Form G–325R and whether that justifies a change in the related fee.

Assessment of Enforcement Costs

Comment: Many commenters stated that DHS failed to adequately assess the costs of enforcing the rule. Several of the commenters critiqued the statement in the IFR that any anticipated compliance-related costs are due to the statute rather than the rule itself. These commenters noted that implementation and enforcement of the rule would require civil and criminal law enforcement efforts, which contemplates significant costs, including personnel, training, and materials. A commenter similarly remarked that the IFR simply states that the costs are ''inherent to compliance

with the statute and are not a result of this rule,'' which they characterized as intentionally vague and not explaining the true economic costs. A commenter wrote that the ''amorphous nature of 'self-deportation' contemplated in the IFR'' would incur costs and resource needs not considered within the IFR. A commenter criticized the lack of discussion of the burden of ''prioritized'' registration violation cases.

Similarly, a commenter stated that the IFR fails to provide any calculation or comparison of the claimed ''improved DHS law enforcement efficacy,'' with the inherently increased costs of Federal immigration enforcement and local law enforcement in enforcing this new scheme and its criminal penalties across the country.

Response: The rule does not require DHS to undertake additional enforcement of the existing statute. The purpose is to improve the registration outcomes for certain groups of aliens to ensure that all previously unregistered aliens in the United States comply with the statutory requirements in sections 261 through 266 of the INA, 8 U.S.C. 1301 through 1306. The rule allows those aliens that have not registered through other pathways to register using Form G–325R. E.O. 14159 directs DHS, in coordination with DOJ and State, to ensure that failure to comply with the alien registration requirements of the INA is treated as a civil and criminal enforcement priority.

Unconsidered Costs to DOJ

Comment: A few commenters criticized the IFR for not addressing associated costs to DOJ, which would be tasked with enforcing the Federal criminal statutory penalties and adjudicating removal processes for ''noncitizens'' charged with such through information discovered in the registration process.

Response: The enforcement of related statutory provisions and the costs associated with them for DOJ are separate from this rulemaking. DHS has considered the possibility that this rule, perhaps in combination with other policies, could have some of the indirect effects as raised by commenters, however, we do not have sufficient information to quantify these effects. DHS believes that DOJ costs are outside the scope of this rulemaking.

b. Assessment of Affected Population and Costs

Comment: Several commenters remarked on the rule's discussion of the affected population and costs to those who would use the general registration form designated under the rule. The commenters stated that the IFR's analysis of the affected population appears to significantly underestimate the associated costs. A couple of other commenters wrote that the estimated impact of the IFR to 2.2 million to 3.2 million individuals would place a significant logistical burden both on individuals and DHS. The commenters added that, while the G–325R form is currently free, the time needed to complete the form, the travel time, and the time spent at an ASC are all costs that would be borne by the affected population. Commenters stated that the confusion created by the IFR generates an increase in demand for immigration legal consultations from individuals seeking legal advice on how this IFR impacts them, whether they need to register, or whether they already have, with a commenter writing that legal consultations and legal research by attorneys can cost significant amounts of money. Another commenter noted that between legal aid, biometric filing fees, and re-filings to correct errors or report relocation, the IFR might impose direct and indirect costs upon the ''noncitizen'' population exceeding tens of millions of dollars. Similarly, a commenter wrote that the IFR does not mention or analyze ''easily foreseeable costs'' to individuals, ''pretending'' that the cost of the IFR and corollary criminal statutes would be limited to increased biometric procedures.

A commenter, citing requirements under E.O.s 12866 and 13563 and providing detailed remarks on the rule, said DHS did not fully assess the costs of the rule, while overestimating its benefits. The commenter stated that DHS estimates the rule would impact between 2.2 million and 3.2 million people, most of whom are living in the United States without lawful status but are otherwise law-abiding and contributing members of their communities that do not pose a public safety threat. Specifically, the commenter cited Office of Homeland Security Statistics (OHSS), which found that, in April 2024, 79 percent of unauthorized aliens in the United States had lived in the country for more than 15 years, reasoning that these individuals are long-term, contributing residents who are not criminals or public safety threats. While critiquing DHS's cost estimates, the commenter discussed practical challenges for registrants, including the time required to complete forms and travel to ASCs for biometric collection, reasoning that some individuals would need to travel significant distances to reach the closest ASC, as some States have only one center. The commenter mentioned, for example, Georgia, Kentucky, and New Mexico as states with only one ASC, which the commenter said would require hours of travel for many registrants. The commenter also noted that in Hawaii, which has only one ASC in Honolulu, registrants from other islands would need to purchase flights to attend appointments, potentially facing complications due to REAL ID requirements. Furthermore, the commenter stated that DHS failed to acknowledge additional costs incurred as part of traveling to an ASC, including taking time off work, finding childcare, purchasing meals, and other burdens that may arise in the process. They concluded that these costs were not adequately considered in DHS's assessment.

A commenter expressed a need to consider costs to ''noncitizens'' with language barriers such as limited English proficiency, writing that the additional time, effort, and translation needed to successfully support these individuals to compliance with the registration requirement were not considered in the IFR. The commenter stated that the IFR does not account for translation of Form G–325R, biographical information, or the rule itself. A commenter noted without further explanation that the IFR would make ''undocumented'' persons choose between registering, being searched for and removed, or not registering, being fined and imprisoned, and then being removed.

Response: The requirement to register is not new; such costs have long been inherent in the alien registration requirements of the INA. The IFR did acknowledge there is a burden associated with registration, and the burden was estimated in the supporting statement of the PRA. The analysis also includes a discussion of the paperwork burden such as, the burden to submit forms, and to submit biometrics, which includes average travel costs to an ASC. This methodology is used across multiple USCIS rules and accounts for those individuals that would travel long distances and those who would make a short trip. *See* 78 FR 535 (Jan. 3, 2013). These burdens also include the opportunity cost of time the registrant incurs during this period. *See* section VI.B.3 of this preamble. DHS has considered the possibility that this rule, perhaps in combination with other policies, could have some of the indirect effects as raised by commenters, however, we do not have sufficient information to quantify these effects.

c. Unconsidered Costs to State and Local Governments

Comment: Several commenters stated that the rule fails to assess costs to U.S. communities, including State and local governments, for implementation and enforcement of civil and criminal penalties. A few commenters wrote that State and local governments would likely incur increased costs from defending against litigation as people sue State and local police for unlawful discrimination arising from the racial profiling inherent in the enforcement of the carry requirement. A commenter wrote that if DHS shifts the priority of USCIS to register millions of people, it would create further backlogs and would financially impact states like New York, where many migrants have made a home and are seeking asylum and work authorization. Another commenter expressed concern that the IFR does not consider costs to State and local governments impacted by economies diminished by less participation from frightened immigrants.

Response: This rule implements a process for statutorily required registration of aliens in the United States who are not registered via other means. The rule is not intended to impose a burden on other governmental entities, and any such burden would be, at most, based on external factors not linked to this rule, or a consequence of other policies or activities that states have voluntarily pursued. Lawsuits arising from the hypothetical behavior of law enforcement or registrants would be a result of that behavior and not a direct result of complying with statutorily required registration. Other governmental and non-governmental entities are not required to reprioritize their behavior or distribution of their limited resources as a result of this rule.

d. Costs to the Economy

Comment: Commenters wrote that the IFR would cause harm to the national economy. Other commenters wrote that there would be impacts to local economies. Commenters raised concerns that the IFR would cause economic harm and wrote that the rule would cause economic loss for small businesses.

A couple of commenters wrote that immigrants contribute to the economy and pay taxes without receiving any benefits, with a different commenter saying that the vast majority of aliens are peaceful, upstanding, and hard workers who pay hundreds of billions of dollars in taxes annually. Another commenter warned that aliens may be discouraged from paying taxes if the Internal Revenue Service data could be used to investigate registration noncompliance; the commenter stated that aliens contributed over $50 billion in Federal taxes in 2023. Providing an additional example by a non-governmental organization, a commenter wrote that the National Academy of Sciences estimates that immigrants contribute more in tax revenue than they receive in Federal benefits, and that net benefits over a 75-year horizon exceed $326,000 for each immigrant and their descendants. Speaking to personal experience, a commenter described themself as a hardworking taxpayer and called for policies that recognize the contributions of millions who make the United States great. Other commenters agreed, writing that immigrants make America great.

A commenter wrote that the ''policy'' creates uncertainty among immigrant communities and negatively impacts U.S. citizens who are trying to hire competent workers. Employers may struggle to find qualified candidates if individuals lack work authorization documents or the necessary status for employment. A commenter stated that the economic implications of removing millions of people from the workforce would create a further strain on resources. Multiple commenters wrote that immigrants carry out many jobs that U.S. citizens will not. Another commenter wrote that the IFR fails to account for devastating social and economic costs to U.S. communities.

Different commenters were opposed to the government penalizing immigrants who contribute to the economy. A few commenters remarked that the rule would increase the chilling effect on immigrant workers and students afraid to go to work and school for fear of exposing themselves and their families to separation, detention, deportation, or criminalization. Commenters stated that this lack of participation would impact employers, businesses, and schools by shrinking local economies and making communities less stable. Citing research, the commenter described the chilling effect as ''well documented'' and likely to make the nation less stable. The commenter further wrote that the reduction in workforce engagement would stall vital infrastructural projects while simultaneously increasing labor costs.

Many commenters expressed concern that the IFR would lead to negative impacts to State economies, with one commenter writing that this administration ''imperils'' the economic benefits immigration has brought to the United States. Echoing concerns about impacts to State economies, a couple of commenters urged DHS to protect the United States from financial harm by not implementing the rule. More specifically, commenters emphasized economic disruptions to essential jobs, efforts to close labor shortages, and critical industries that depend on labor, such as construction, education, healthcare, childcare, households, agriculture, hospitality, mutual aid, infrastructure, labor unions, long term care, community organizers, and food processing, which could lead to higher business costs, difficulty for businesses to grow, reduced tax contributions, slow economic growth, economic instability, decrease in entrepreneurs, and reduced tourism. A commenter wrote that a lack of participation of alien communities would be followed by a decrease in the availability of businesses and services, with another commenter saying the significant new workload demands of this rule would harm workers, businesses, and the overall economy. Another commenter expressed that aliens contribute to States' population growth and tax revenue.

With specific regard to tourism, a commenter expressed concern about Canadian travelers who may be deterred from traveling to the United States, with another adding that the U.S. Travel Association estimates that even a 10 percent reduction in Canadian visitation could mean 2 million fewer visits, $2.1 billion lost in spending, and 14,000 job losses. With regard to annual spending, the commenter said that Canada is the largest international tourism market in the United States, with spending in excess of $20 billion, and in Florida, Canadians represent almost 40 percent of all foreign visitors to the State. According to a commenter, the Canadian government has updated its travel advisory for Canadians visiting the United States, and Canadian media has raised concerns about the ''show-your-papers'' impacts, which they said may lead to increased scrutiny and penalties for noncompliance and heavily impact tourism. Further, the commenter wrote that immigration, especially by Latinos, has driven all U.S. population growth from 2022 to 2023, and that immigrants are essential in key sectors and start more small businesses than U.S.-born citizens, aiding economic resilience. Restrictions on interstate movement could worsen economic impacts, and removing millions of immigrant workers would have significant economic consequences.

Emphasizing the deep integration of alien families into their own

community, a commenter wrote that their local economy depended on tourism and hospitality. They noted that many Latino immigrants contributed significantly to the local economy through employment in restaurants and hotels. A commenter said that asking for additional, mandatory registration documents from ''noncitizens'' would have a chilling effect on the U.S. tourist economy.

A couple of commenters discussed the economic impact of similar policies in the past. Specifically, they cited Arizona's SB 1070, with one of the commenters adding that between 2007 and 2016, the ''undocumented'' population dropped from 500,000 to 275,000, contributing to an annual 2-percent decline in the State's Gross Domestic Product between 2008 and 2015 and a 2.5-percent drop in its workforce. Commenters said that the requirement would harshly punish aliens who are contributing to and enriching communities.

A commenter stated that other countries do not implement similar registration policies and warned that maintaining this policy could damage the United States' relationship with allies. Expressing opposition, a commenter stated that ''good'' Americans would be alienated more than they already are by the resources spent ''hunting down immigrants.''

While remarking on the cost analysis, a commenter expressed additional concern about broader potential cost impacts on employers, institutions, the economy, and communities throughout the United States. The commenter stated that the rule would lead to compliance costs for businesses whose employees or customers are required to register and submit biometrics. The commenter said that registrants would likely need to request time off work, including potential delays for key business functions and the diversion of resources to hire temporary replacements. The commenter also wrote that businesses whose customer base is impacted might suffer costs due to reduced spending power among registrants. The commenter additionally remarked that educational institutions, churches, and other organizations could be burdened with tracking updates to the registration requirement and providing advice to affected individuals. They suggested that costs could ripple throughout the U.S. economy and communities, particularly if registration information is used for immigration enforcement purposes.

Response: This rule does not directly regulate or impact businesses or other organizations, but rather it directly regulates individual aliens. As explained in the IFR,[79] DHS recognizes that there are costs to aliens to comply with the INA's alien registration provision. But, because this rule does not impose any new alien registration or biometrics obligation separate from those already contained in the INA, these costs are inherent to compliance with the statute by an alien and are not a direct result of this rule. Correspondingly, any broader potential indirect or secondary cost impacts on employers, businesses, institutions, the economy, communities, and persons throughout the United States would be a result of the policy choice made by Congress when requiring aliens who are in the United States to register. However, DHS has considered the possibility that this rule, perhaps in combination with other policies, could have some of the indirect effects described above. We do not have sufficient information to quantify these effects. The IFR's analysis assessed the impact associated with the implementation of a process for statutorily required registration by aliens in the United States who were not registered via other means, including the burden of travel and time to fill out the form.

e. Benefits Assessment

Comment: While responding to DHS's assessment of benefits of the IFR, a commenter expressed strong disagreement with DHS's statement that ''access to more comprehensive registration data'' for immigration enforcement purposes would constitute a benefit. The commenter said that removing hundreds of thousands or millions of ''undocumented'' individuals who are otherwise law-abiding and contributing members of communities would be disruptive to families, the economy, and society. The commenter added that this would create a chilling effect across immigrant communities and discourage immigrants without legal status—who they said pay almost $100 billion in Federal and State taxes annually—from interacting with any government agencies. The commenter concluded that DHS's assessment of the benefits from the registration obligation is ''misguided'' and, at best, ''incomplete,'' stating that DHS failed to acknowledge the disruption that would result from a significant increase in arrests and deportations as a result of using the registration data for immigration enforcement purposes.

Similarly, a commenter critiqued the IFR as providing ''no analysis'' to illustrate that additional registration is needed or that expanded requirements would improve public safety. A separate commenter further discussed how it is ''highly questionable'' that the IFR would achieve its stated objectives, through its purported benefits.

Response: The rule does not obligate additional enforcement of the existing statute. The rule establishes that those aliens that have not registered through other means should register using Form G–325R. The rule is expected to improve DHS law enforcement efficacy to (1) provide more comprehensive information about the location of aliens in the United States to make it easier and safer for DHS to enforce the law and (2) increase compliance with statutory fingerprinting requirements to provide DHS with additional information about an alien's criminal record, including whether the alien is a known or suspected terrorist.

f. Compliance With E.O. 14192

Comment: Commenters raised concerns about the IFR's compliance with President Trump's E.O. 14192, ''Unleashing Prosperity Through Deregulation.'' The commenter wrote that this E.O. requires that whenever a Federal agency promulgates a new regulation, the agency ''shall identify at least 10 existing regulations to be repealed,'' which the commenter stated DHS has failed to do in this case. The commenter also remarked that DHS failed to fulfill the second requirement of the E.O., to offset ''any new incremental costs associated with new regulations'' with ''the elimination of existing costs associated with at least 10 prior regulations.'' The commenter reasoned that the IFR meets the E.O.'s definition of ''regulation'' or ''rule,'' adding that the IFR states that it ''amends DHS regulations,'' and that the E.O. applies to all Federal agencies and all regulatory actions.

The commenter reasoned that while the IFR is exempted from APA notice-and-comment procedures on the grounds that the IFR is only ''a rule of agency organization, procedure, or practice,'' this does not ''encode a substantive value judgement or put a stamp of approval or disapproval on a given type of behavior.'' The commenter concluded that if the rule is a purely procedural one, as DHS claims, rather than a rule issued with respect to the immigration-related function of the United States, the E.O. should apply. Concluding that the E.O.'s requirements do apply to the IFR, the commenter remarked that this represents either a

[79] *See* 90 FR 11793, 11796–11798.

lack of attention to the administration's regulatory policies or a deliberate attempt to circumvent the requirements of E.O. 14192.

Response: Pursuant to the definitional section 5(a) of E.O. 14192, a regulation or rule issued with respect to a military, national security, homeland security, foreign affairs, or the immigration-related function of the United States is not considered a regulation or rule for E.O. 14192 purposes.[80] The IFR's primary direct purpose, and this rule's primary direct purpose, is to implement or interpret the immigration laws of the United States (as described in section 101(a)(17) of the INA, 8 U.S.C. 1101(a)(17)) or any other function performed by the U.S. Federal Government with respect to aliens. *See* OMB Memorandum M–25–20, ''Guidance Implementing Section 3 of Executive Order 14192, titled 'Unleashing Prosperity Through Deregulation''' (Mar. 26, 2025). For this reason, and additionally because the IFR and this final rule are also issued with respect to national security, homeland security, and foreign affairs functions of the United States, the requirements of E.O. 14192 do not apply.

3. Other Statutory and Regulatory Requirements

a. Family Assessment

Comment: A couple of commenters remarked that the Family Assessment inaccurately states that there would be no impact to family unity, reasoning that law enforcement actions taken against aliens would separate families. The commenters urged DHS to provide further analysis and explanations for the reasons why aliens, including those with mixed-status families, would be required to report themselves with such a consequence. Another commenter said that the cost of increased surveillance and requirement for juveniles to register would adversely affect individuals and families due to the travel required for biometrics submission and monetary hurdles.

Commenters said that the rule violates section 654 of the Treasury General Appropriations Act of 1999 as the family separations that would ensue as a result of detentions and deportations would impact the stability or safety of the family, impacts the authority of parents in the education, nurture, and supervision of their children, and fails to help the family perform its functions. Several commenters wrote that the rule violates this statute in that it would impact family well-being, autonomy, and integrity through the requirement for children to independently register upon turning 14 years of age and the requirement for parents and legal guardians to register their children under the age of 14. A commenter remarked that DHS provided no information on the analysis it conducted to reach the conclusion that the rule would not impact family well-being or the autonomy and integrity of the family as an institution. A commenter said that USCIS must conduct a proper family assessment of this rule or face litigation.

A commenter presented data specific to Massachusetts, noting that approximately 26 percent of the ''undocumented'' population in the State have at least one minor U.S. citizen child, and 13 percent are married to U.S. citizens. The commenter stated that registration would effectively mean volunteering to separate families. The commenter challenged the IFR's analysis regarding the Treasury General Appropriations Act of 1999, specifically disputing the claim that the regulation ''will not negatively affect family well-being and will not have any impact on the autonomy and integrity of the family as an institution.'' The commenter wrote that the forced separation of families through deportation has well-documented negative impacts on family well-being. Furthermore, the commenter criticized the government for failing to provide information on how they ''systematically reviewed the criteria'' or justification for their conclusion that the IFR would not negatively impact family well-being, autonomy, or integrity.

Commenters stated that imposing registration requirements on adolescent children would impact the safety and stability of families and interfere with parents' autonomy in the education and supervision of their children. The commenters stated that the rule fails to examine the relationship between parental responsibility under the law for children under 18 and the requirement assigning independent responsibility to children between 14 and 18 years old. Regarding the requirement for parents and legal guardians to complete registration for children under 14, the commenters remarked that this would impact family safety and stability. The commenters stated that the rule requires parents to provide information about their children that could expose them to civil immigration enforcement, including detention and deportation. The commenters concluded that these measures clearly impact family well-being, safety, stability, and the authority of parents to direct the education, nurture, and supervision of their children.

Response: The IFR amended DHS regulations to designate a new registration form, Form G–325R, as an additional option for aliens to comply with statutory alien registration and fingerprinting provisions. The obligation is a longstanding obligation that has existed for over 80 years. DHS disagrees with the commenters that the IFR adversely affects families. The registration is free of charge and a significant number of aliens are already registered through the visa process, or through other encounters with the government. Congress imposed the requirement, and DHS is faithfully executing the law.

As stated in the IFR, DHS has determined that the implementation of this regulation will not negatively affect family well-being in accordance with section 654 of the Treasury and General Government Appropriations Act, 1999[81] and will not have any impact on the autonomy and integrity of the family as an institution. *See* 90 FR 11793, 11799 (Mar. 12, 2025). The means of registration or prescribing the additional form in DHS regulation neither impact the stability or the safety of the family, particularly in terms of the marital commitment, nor the well -being of a family overall. To the contrary, as outlined in President Trump's E.O., enforcing the Nation's immigration laws is critically important to the national security and public safety of the United States and individuals present within the United States. *See* E.O. 14159, sec. 1.

b. Regulatory Flexibility Act Analysis

Comment: A commenter wrote that this rule requires an NPRM and, therefore, a regulatory flexibility analysis under the Regulatory Flexibility Act (RFA) before the rule can move forward. The commenter added that, due to the rule's impacts on small entities, it affects the general public in addition to individuals, opening the door to a regulatory flexibility analysis.

Multiple commenters discussed the impacts of the IFR on small entities and commented that USCIS wrongly ignored these economic impacts. A couple of

[80] *See* E.O. 14192, sec. 5 (''Definition. For purposes of this order, the term ''regulation'' or ''rule'' means an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or to describe the procedure or practice requirements of an agency, including, without limitation, regulations, rules, memoranda, administrative orders, guidance documents, policy statements, and interagency agreements, regardless of whether the same were enacted through the processes in the Administrative Procedure Act, but does not include: (a) regulations issued with respect to a military, national security, homeland security, foreign affairs, or immigration-related function of the United States . . . .'').

[81] *See* Public Law 105–277, 112 Stat. 2681 (1998).

commenters said that the omission of any translation of Form G–325R obscures the impact on small entities and organizations that serve limited English proficiency and low-income communities, as well as people with disabilities, and implicates Federal government obligations under sections 504 and 508 of the Rehabilitation Act of 1973 and title VI of the Civil Rights Act of 1964. Commenters said that there has already been a significant drop in international arrivals compared to last year, especially Canadian visitors, hurting the tourism industry in many States both near and far from the border. A commenter added that businesses in Michigan have suffered revenue loss due to immigrant workers and students being afraid to go to work or school for fear of detention and deportation, a situation that it said would only be exacerbated by this IFR. Another commenter said that this effect would be seen across the United States. A commenter stated that many small businesses would be impacted due to registrants needing to take time off to attend their biometrics appointment at an ASC, which they said could be several hours away.

Response: The IFR was published as an interim final rule, based on the procedural rule exception under the APA, 5 U.S.C. 553, and DHS was not required to publish a general notice of proposed rulemaking under the APA or under any other law. As such, an initial regulatory flexibility analysis, was not required, in accordance with 5 U.S.C. 604(a), and is also not required for this final rule. Nonetheless, DHS, as part of the IFR and this final rule, has determined that the rule will not have a significant economic impact on a substantial number of small entities (*i.e.,* small businesses, small organizations and small governmental jurisdictions). As DHS noted in the IFR, this rule directly regulates individual aliens. However, the RFA's regulatory flexibility analysis requirements apply only to small entities subject to the requirements of the rule.[82] The individual aliens subject to the alien registration requirements of the INA are not small entities as defined in 5 U.S.C. 601(6).

All USCIS forms are in the English language and must be submitted in English, with the exception of Form I–9 for employers in Puerto Rico. As explained throughout this preamble, USCIS complies with all statutory obligations for purposes of access and accommodations. DHS understands that there may be an impact on previously unregistered aliens, such as on those who visit the United States and that certain aliens may no longer opt to visit the United States. However, Congress considered the registration of aliens necessary; DHS is faithfully executing the law and, with this rule, is neither imposing new registration nor fingerprinting obligations in addition to those required by Congress.

c. Unfunded Mandates Reform Act of 1995

Comment: A commenter said that the IFR would impose an unfunded mandate on USCIS, which they said is already facing backlogs in its attempt to meet its core functions.

Response: The Unfunded Mandates Reform Act of 1995 (UMRA) is intended, among other things, to curb the practice of imposing unfunded Federal Mandates on State, local and Tribal governments. USCIS is not a State, local or Tribal government—it is part of the Executive branch.

d. E.O. 13175, Consultation and Coordination With Indian Tribal Governments

Comment: A commenter said that the IFR would have Tribal implications under E.O. 13175, stating that the implementation and enforcement of the IFR would require law enforcement to request proof of compliance with registration from anyone who may appear to be a ''noncitizen''. The commenter said that many Tribal members already experience this type of enforcement and this IFR would only increase the number of those encounters.

Response: DHS is sensitive to enforcement issues. The registration requirement applies to aliens only. Additionally, consistent with 8 U.S.C. 1359, DHS interprets the registration and fingerprinting requirements of 8 U.S.C. 1302 to exclude American Indians born in Canada who possess at least 50 per centum of blood of the American Indian race who are present in the United States under the authority of 8 U.S.C. 1359. This interpretation is based on construing 8 U.S.C. 1302 and other provisions of subchapter II of chapter 12, title 8 of the U.S. Code as consistent with the right of such American Indians to pass the borders of the United States. Similarly, members of the Texas Band of Kickapoo Indians are not required to register. *See* Texas Band of Kickapoo Act, Public Law 97–429, sec. 4(d).

Therefore, the IFR and this final rule do not have Tribal implications, as addressed in E.O. 13175, because it would not have a substantial direct effect on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

I. Out of Scope

This section summarizes some of the many comments that were outside the IFR's scope. Although, in an abundance of caution, DHS has summarized and responded to some of the below comments earlier in this preamble, DHS notes that it views the below comments (among others) as generally falling outside the scope of the IFR, as they tend to communicate objections to (for instance) clear statutory requirements that the IFR did not create or change or enforcement activities that are generally unrelated to this rule.

1. Registration Requirements Under Pre-Existing Statute and Regulations

a. Legal/Statutory Concerns and DHS Compliance With Statute

Comment: A commenter suggested that USCIS and the Attorney General implement a waiver policy for the statutory registration requirements. Others indicated that registration requirements have been viewed as contrary to American values and that the former INS had begun dismantling its registration apparatus by 1947, eliminating the registration requirements for Canadians and subsequently transitioning registration into regularized immigration applications and enforcement, thus marking an intentional departure from the sweeping process the IFR was seeking to implement.

Several commenters opposed the Alien Registration Act, with some commenters indicating it did little to address national security, and instead it became a tool to stifle and target political dissent and specific ethnic groups. Commenters discussed the historical context of the Act, with one commenter stating that the Alien Registration Act's original purpose was to monitor foreign nationals for national security concerns during wartime, not as an immigration enforcement tool. Some commenters called for the withdrawal of the Alien Registration Act.

Comments also addressed the registration of free Black people in pre-Civil War southern States and Chinese immigrants during the Chinese

[82] Small Business Administration, A Guide for Government Agencies: How to Comply with the Regulatory Flexibility Act at 22 (Aug. 2017), *https://advocacy.sba.gov/wp-content/uploads/2019/07/How-to-Comply-with-the-RFA-WEB.pdf.*

Exclusion Era. Commenters stated that this type of immigration policy is grounded in a troubled history of white supremacy; that it is another step taken toward fascism by this Administration; and that it mirrors other shameful historical efforts, such as Nazi Germany's documentation requirements that were used to discriminate against individuals of Jewish ancestry.

Another commenter said that the ''sweeping generalization'' of whom E.O. 14159 affects is unfair and unconstitutional, because immigrants who have entered the country legally and have complied with the law should not be targeted by the law. Another commenter added that constitutional protections should apply to all people within the United States' jurisdiction, not just citizens or those ''in favor with the administration.'' Another commenter suggested that the government might eventually require registration for residents with green cards, for naturalized citizens, or ''for anyone who doesn't pledge undying, uncritical loyalty to this administration. Without additional context, a commenter stated that even U.S.-born citizens are not safe from the impacts of this law, as according to the commenter ICE has already detained people in defiance of federal judges.

Response: The overall purpose of the statutory scheme established by Congress falls outside the scope of the rule. DHS has the obligation to faithfully execute the laws established by Congress, including the alien registration requirement. *See* INA sec. 103(a), 8 U.S.C. 1103(a). DHS has continued over the decades to ensure that aliens generally are registered by providing pathways to do so. The new general registration form added by the IFR is specifically designed to address a gap in the existing regulatory regime relating to registration and allow all aliens, regardless of their status, to fulfill their duty to register under section 262 of the INA, 8 U.S.C. 1302. Regarding the comment about E.O. 14159, DHS did not issue the E.O. The IFR did not propose to change the terms of E.O. 14159 and could not have done so.

A U.S. citizen is not considered an alien under the INA. *See* INA sec. 101(a)(3), 8 U.S.C. 1101(a)(3). The alien registration requirements of the INA require aliens, not U.S. citizens, to register.

b. Evidence of Registration

Comment: Another commenter asked what would happen to those with a previously issued employment authorization, but who are currently ineligible to obtain or renew it. Similarly, the commenter asked about those who were previously in removal proceedings, but whose proceedings were terminated, and they remain here ''essentially undocumented.'' A commenter stated that it is unclear whether immigrants who have already registered would be required to re-register, and added that criminal charges for failing to register would only increase the stress for those communities. Commenters wrote that the list of documents that serve as evidence of registration, regardless of expiration, is confusing. The commenter said that some of the documents on the list include a statement to say that they count as registration even if they are expired, but the website does not repeat this for all of the documents so it is unclear whether any of the remaining documents can be used if they are expired. A commenter said that the website describes Green Card holders as ''lawful permanent residents'' rather than following the regulation and listing ''I–551 Permanent Resident Card,'' so there is no opportunity to address whether expired Green Cards would be considered ''registration.''

Response: In DHS's view, aliens who are 14 years of age or older and are issued evidence of registration have complied with their duty under section 262 of the INA, 8 U.S.C. 1302, including expired forms that constitute evidence of registration. Similarly, an alien who is placed in removal proceedings via Form I–862, Notice to Appear, has complied with the registration requirement, regardless if the removal proceedings were administratively closed, terminated, or withdrawn. However, DHS notes that compliance with the registration requirement does not create an immigration status, establish employment authorization, or provide any other right or benefit under the INA or any other U.S. law.

Comment: A commenter requested clarification about whether immigrants who applied for Form I–131F, Application for Parole in Place for Certain Noncitizen Spouses and Stepchildren of U.S. Citizens, and were specifically eligible under its provisions, would be considered ''registered'' under the IFR.

Response: The Form I–131F, Application for Parole in Place for Certain Noncitizen Spouses and Stepchildren of U.S. Citizens, is not a prescribed registration form designated at 8 CFR 264.1(a). DHS notes on November 7, 2024, USCIS ceased the adjudication and intake of the Form I–131F, Application for Parole in Place for Certain Noncitizen Spouses and Stepchildren of U.S. Citizens. This program was vacated and cancelled in compliance with a court order.[83] For aliens who have no other pathway to register, they may submit a Form G–325R to satisfy their obligation under section 262 of the INA, 8 U.S.C. 1302.

Comment: While expressing general support for the rule, another commenter suggested a modification to require all aliens, including those with visas and Green Cards, to register every year. The commenter suggested that those who fail to register or renew ''without a reasonable cause'' could be charged with a crime of moral turpitude for immigration purposes, which the commenter said would make it easier for those who do not register to be removed.

Response: The comment is beyond the scope of the IFR, which filled a gap in the regulation by adding an option for these aliens to comply with the existing statutory registration requirements.

c. Carry Requirement

Comment: A commenter expressed support for the ''carry'' requirement, stating that it would provide equal treatment similar to how citizens can be looked up through their ID. The commenter suggested that registered immigrants should have a similar process for identity verification with reasonable time to retrieve documentation if needed.

Opposing the carry requirement, a few commenters stated that no person in the United States should be required to carry proof of registration, others stated it was an ''unnecessary burden'' and comes with a ''huge and unfair cost.'' Another commenter stated that requiring all aliens to register and carry proof of registration is inconsistent with human dignity, makes aliens vulnerable to human trafficking by those who steal their proof of registration, and will result in racial profiling by law enforcement personnel and ''vigilantes'' demanding to see proof of registration. The commenter demanded a justification for the IFR ''[o]ther than someone with a desire to have more power over others, and terrorize.''

Other commenters expressed concern that the requirement to carry proof of registration would become a pretext for arbitrary stops, detentions, and law enforcement encounters, which could disproportionately impact those who law enforcement perceive as foreign. Similarly, some commenters wrote that the implementation of the proposed enforcement of criminal penalties for

[83] *See State of Texas* v. *Department of Homeland Security,* 24–cv–306 (E.D. Tx Nov. 7, 2024).

failing to carry proof of registration could lead to wrongful arrests affecting both citizens and ''noncitizens.''

Many commenters stated that this carry requirement would risk misidentification of U.S. citizens as immigrants; lead toward establishing a totalitarian government; raise concerns about fairness, due process, and respect for human rights; harm individuals with disabilities; and have a chilling effect on First Amendment-protected speech, particularly for those challenging potentially discriminatory policies, and would disproportionately impact Black and Brown people regardless of citizenship. Another commenter wrote that the IFR does not account for the burden placed on U.S. citizens, as according to the commenter every person in the United States would have to carry proof of their immigration status. The commenter said that if an alien must carry proof of registration to avoid arrest by DHS officers or to pass through increasingly common DHS checkpoints, then U.S. citizens would likewise have to prove that they are exempt from DHS registration requirements by carrying their own proof of status. Further, they stated that as DHS has ''engaged in aggressive enforcement measures,'' even before this rule came into effect, there are increasing numbers of U.S. citizens being erroneously and unlawfully arrested.

Commenters also raised concerns that the carry requirement could have on individuals with mental health, developmental, and cognitive disabilities, stating the IFR does not consider ''reasonable accommodations'' for individuals with disabilities whom this provision would affect. Multiple commenters also raised concerns that the requirement to carry proof of registration at all times would disproportionately harm survivors of violence—including child survivors—or place them at risk of criminalization. A commenter wrote that sexual assault survivors, especially those working in seasonal agriculture and janitorial industries, often lack access to safe, stable housing, reliable transportation, or secure places to store important documents. Another commenter, echoing the previous concerns about the inability of survivors to carry proof of registration at all times as required under the IFR, encouraged DHS to consider factors such as emergencies, victimization, and health conditions, among others, in its criminal, civil, and immigration enforcement actions of 8 U.S.C. 1304(e).

One commenter stated that since registration information is electronically available, it would be more efficient to provide alternatives to physical documentation, reasoning that officers can easily access the required information electronically through myUSCIS accounts or the CBP I–94/I–94W URL address, which could encourage more compliance.

Response: These comments are outside the scope of this rulemaking. DHS notes that the law requires aliens who are issued evidence of registration and over the age of 18 to carry such evidence on their person at all times. The regulation at 8 CFR 264.1(b) provides a list of evidence of registration, which includes the Form I–551, Permanent Resident Card. The comments regarding the enforcement of section 264(e) of the INA, 8 U.S.C. 1304(e) are outside the scope of this rulemaking. Comments regarding racial profiling and effects on vulnerable populations are addressed in section III.D.3.e. of this preamble. DHS also notes that it considers an electronic copy of the evidence of registration to satisfy an alien's obligation to carry proof of registration on his or her person.

DHS is aware that there are areas of the existing regulations that could be improved, including amending the list of forms prescribed as registration forms in 8 CFR 264.1(a) and the list of forms constituted as evidence of registration in 8 CFR 264.1(b). As part of this final rule, DHS is requesting comments on various ways to amend the DHS regulation to improve implementation of the registration requirement under section 262 of the INA, 8 U.S.C. 1302. *See* section V, Request for Comments, of this preamble.

Finally, DHS reiterates that the alien registration requirements of the INA require aliens—not U.S. citizens—to register.

d. Address Change Requirement

Comment: A commenter expressed concern that the expectation for people with disabilities to comply with address change requirements imposes a significant burden, and the absence of a safe address option exposes these clients to potential adverse outcomes. A commenter noted that it is particularly difficult for victims of domestic violence to update their address as they may flee their homes to escape violence, often moving frequently to stay safe, and that the requirement to update change of address penalizes every victim of human trafficking and domestic or sexual violence, including those with lawful immigration status. Another commenter stated that the requirement to document every place an individual would visit is unfair and onerous, and would burden potential visitors, reasoning that people enjoy freedom of movement both in Canada and the United States. A commenter remarked that while the existing change-of-address requirements allow individuals to demonstrate that noncompliance was not willful or was reasonably excusable, the IFR requirement provides no such flexibility. Another commenter noted that change-of-address update requirements could impede immigrants' ability to navigate the court system, while bureaucratic backlogs might incorrectly label mobile immigrants as noncompliant with registration requirements.

Response: DHS notes that the law established by Congress requires that aliens who are required to register update their address with the government within 10 days of moving.

Aliens filing a Form G–325R do not qualify as protected alien under 8 U.S.C. 1367 by virtue of such filing, however, if an alien designated as a protected alien on another basis, USCIS would maintain the same protection for the safe address included on the G–325R. On the Form G–325R, an alien may provide a safe address. As with all USCIS forms in which an alien may provide a safe address, if USCIS contacts the alien through the mail it will use the safe address that they provide. However, the Form G–325R process is entirely electronic at this time. All notices sent from USCIS to an alien are uploaded to the alien's USCIS online account and none of the notices associated with the Form G–325R are issued via mail. Therefore, not only may aliens provide a safe address, consistent with longstanding USCIS practice, USCIS does not send any documents through the mail in connection with Form G–325R.

While DHS defers to its partners at DOJ regarding the enforcement of criminal laws, DHS agencies enforcing the carry and change of address requirements may access DHS databases that contain information about whether DHS has issued evidence of registration and whether an alien has complied with the change of address requirements.

2. Enforcement of Criminal Provisions

Comment: Without specifically mentioning the IFR, multiple commenters criticized the current approach to immigration in the United States and the enforcement of criminal and immigration provisions, including ICE referrals to DOJ. Another commenter remarked that people that the government is reasonably interested in tracking—those involved in criminal

activities—would not register, while innocent people who do register would be caught in a system of ''administrative errors.'' Another commenter stated that the government is instilling fear in ''undocumented'' immigrants by presenting them with two options: either not registering and facing criminal charges, fines, and deportation, or registering and still getting deported. A commenter stated that the enforcement mechanisms are unnecessarily harsh, with threatened fines that could further marginalize already vulnerable populations and others indicated, opposing the E.O., that it was ''absurd to prioritize enforcement for aliens who fail to register.''

Response: DHS defers to its partners at the DOJ regarding the enforcement of the criminal provisions under the registration requirements. DHS notes that the IFR merely added another method for compliance with the existing statutory registration requirements to improve registration outcomes for certain groups of aliens.

Comment: A commenter asked how soon after registration individuals would be required to depart, and whether the time period would be similar to the 160-day period for voluntary departure orders. The commenter additionally asked whether failure to register would be an inadmissibility for adjustment or consular process.

Response: The law requiring most aliens present in the United States who remain for 30 days or longer to register and, with some exceptions based on age or nonimmigrant status, be fingerprinted, does not have a departure requirement. In regard to the comment on failure to register and inadmissibility for adjustment of status, DHS notes that registration itself is not an immigration benefit and has no direct impact on an alien's eligibility for other immigration benefits that they may seek.

Comment: While agreeing with what the commenter characterized as the prior Administration's targeted and discretionary use of enforcement resources rather than a blanket approach, a commenter suggested that ICE prioritize enforcement and removal efforts on individuals who pose significant threats, rather than detaining ''foreign nationals'' without criminal records.

A commenter expressed opposition for ''labeling what should be a civil offense as a criminal offense, in order to criminalize and demonize immigrants.'' Another commenter requested justification for the ''proposed measures'' making noncompliance a criminal offense, rather than a civil one, and imposing penalties such as a $5,000 fine and 1 month of imprisonment. Commenters also stated that the expense of enforcing penalties and the economic implications of removing millions of people from the workforce would create a further strain on U.S. resources.

Response: While Congress has established civil and criminal penalties for a variety of offenses relating to immigration, the comments are outside the scope of this rule. This rule does not establish any such enforcement of the statute, consequences, or offenses. The criminal penalties for a failure to register or meet the other associated requirements under sections 262 to 265 of the INA, 8 U.S.C. 1302 through 1305, were established by Congress and also fall outside the scope of this very limited rule. DHS notes that the information collected by USCIS through Form G–325R is stored in ELIS, and that USCIS' partners at CBP and ICE have long had read-only access to USCIS systems, including but not limited to ELIS. Regarding comments related to costs of enforcement, DHS notes it has an obligation to faithfully execute laws established by Congress. *See* INA sec. 103(a); 8 U.S.C. 1103(a).

3. Other Out of Scope (Not Related to Registration Requirements)

Comment: Several commenters made remarks not related to registration requirements including criticizing the United States for allowing illegal immigration to escalate, asking for meaningful immigration reform, requesting the immediate abolishment of ICE, suggesting taxing billionaires, ''and bring[ing] back the hope that made this country promising at one point.''

Some commenters offered alternative approaches to immigration policy, such as advocating for clear legal pathways to citizenship for refugees and DACA recipients, and calling for targeted deportation of violent offenders and a path to legal status for long-term contributing immigrants. A commenter said because ''undocumented'' immigrants contribute billions of dollars in taxes each year, jails are overcrowded, and it is expensive to deport people, there should be immigration reform or a pathway to citizenship. Without discussing registration requirements, multiple commenters discussed their support for the fair treatment of immigrants, the benefits immigrants have on communities, and the U.S. economy.

Other commenters recommended that DHS correct other regulatory provisions, such as 8 CFR 235.1(h) to make land-, sea-, and air-issued Forms I–94 valid for multiple entries by default. The commenters noted that currently only a Form I–94 issued at land borders is a multiple-entry document by default. The commenters also stated that the regulatory language does not account for the electronic I–94 system and still contemplates physical surrender of the Form I–94 for compliance.

Response: As previously discussed, the purpose of the IFR and this final rule is to improve the registration outcomes for certain groups of aliens to better ensure that all previously unregistered aliens in the United States comply with the statutory requirements in sections 261 through 266 of the Immigration and Nationality Act (INA), 8 U.S.C. 1301 through 1306. Comments that do not relate to the registration requirements are outside the scope of the IFR and this final rule.

Comment: A commenter asked whether children of nonimmigrants attending public schools would be considered a visa violation under the INA and requested more details about the relief for voluntary departure mentioned in the E.O. to avoid mandatory bars.

Response: This comment about children of nonimmigrants attending public school, and visa violations, is outside the scope of the IFR.

IV. Additional Changes in the Final Rule

The IFR was limited in scope, amending 8 CFR 264.1 to designate a new general registration form and a new form of evidence of registration. *See* 8 CFR 264.1(a); *see* 8 CFR 264.1(b). In this Final Rule, the Department is making additional changes that are outside the scope of the IFR, but are technical and procedural in nature and thus are not subject to the notice-and-comment rulemaking requirements of the APA at 5 U.S.C. 553. DHS is not seeking comments on these changes.

As part of this final rule, and after carefully considering the comments received, DHS realized that aspects of the 8 CFR part 264, including 8 CFR 264.1, are outdated and would benefit from improvement. DHS is making these technical amendments in 8 CFR 264.1 to reduce confusion, improve the usability of the regulations, enhancing readability of the regulations, and more accurately describe the current procedures. These modifications are not intended to be substantive and do not change eligibility criteria or evidentiary standards or confer new rights or obligations upon any party. Additionally, any modifications in this rulemaking that remove outdated prescribed registration forms or evidence of registration will not affect any alien who has satisfied his

or her obligation to register using these forms or who has been issued such evidence.

A. Changes to the Prescribed Registration Forms in 8 CFR 264.1(a)

1. Removing Prescribed Registration Forms

DHS is eliminating the following outdated forms from the list of prescribed registration forms found in 8 CFR 264.1(a):

- I–67, Inspection Record—Hungarian Refugees;
- I–691, Notice of Approval for Status as a Temporary Resident; and
- I–700, Application for Status as a Temporary Resident.

In 1958, Congress authorized permanent residence status to certain Hungarian refugees who were paroled into the United States after October 23, 1956, under section 212(d)(5) of the INA, 8 U.S.C. 1182. *See* Public Law 85–559, 72 Stat. 419 (1958). The former INS used Form I–67, Inspection Record, to examine and inspect these refugees for admission as lawful permanent residents. Once admitted as an LPR, the former INS issued a Form I–151, Alien Registration Receipt Card, as proof of registration and evidence of LPR status. In 1960, the former INS added Form I–67 as a prescribed registration form in 8 CFR 264.1(a) and for immigration benefits in 8 CFR 299.1. *See* 25 FR 7180 (Jul. 29, 1960). In 1988, the former INS removed I–67 in 8 CFR 299.1 as a form that was no longer accepted and used by the Service. *See* 53 FR 33443 (Aug. 31, 1998).

The former INS prescribed Forms I–691 and I–700 as registration forms as part of the implementation of section 201 and 302 of the Immigration Reform and Control Act of 1986 (IRCA)[84] that provided certain aliens who entered the United States before January 1, 1982, and Special Agricultural Workers (SAWs) LPR status after obtaining temporary resident status. *See* 52 FR 16190 (May 1, 1987). Upon the filing of a nonfrivolous Form I–687, Application for Status as a Temporary Resident, or I–700 and after having interviewed the applicant, the former INS granted to the applicant employment authorization on Form I–688A or Form I–688B. *See* INA secs. 210(d)(2) and 245A(e)(2), 8 U.S.C. 1160 and 1255a; 8 CFR 210.4(b)(2) and 245.2(n)(2)(ii). Upon the grant of temporary resident status, the alien was issued Form I–688, Temporary Resident Card. *See* 8 CFR 210.4(b)(3) and 245a.2(n)(3). Forms I–688 and I–688A/B also constituted evidence of registration in 8 CFR 264.1(b). *See* 52 FR 16190, 16194 (May 1, 1987) and 61 FR 46534 (Sept. 4, 1996). Eventually, because Form I–688, and Forms I–688A and I–688B were no longer issued, and USCIS issued Forms I–766 to those who formerly received Forms I–688, I–688A and I–688B, references to these forms removed from different parts of the regulations and other documents, including 8 CFR 264.1(b).[85] The former INS used Forms I–687, I–691 and I–700 for aliens to apply for temporary resident status under the Legalization programs. The former INS in turn used the Form I–691 to notify an applicant that his or her Form I–687 or I–700 was approved,[86] and once these aliens satisfied the eligibility requirements as a temporary resident, they would adjust status to a permanent resident either under section 210 or 245A of the INA, 8 U.S.C. 1160 or 1255a and received a permanent resident card, now the Form I–551.[87]

Since DHS no longer uses or accepts or issues Form I–67, I–691, and I–700, eliminating these forms and modifying 8 CFR 264.1(a) reduces confusion and improves usability of the regulations. These regulatory changes are effective prospectively, such that if an alien properly submitted one of these forms while the form was designated as a registration form under 8 CFR 264.1(a), the alien will have satisfied their obligation to register.

2. Updating Prescribed Registration Form Names, Numbers, and Related Classes

In response to comments indicating that the regulation is outdated and confusing, DHS is updating the following form names and numbers from the list of prescribed registration forms found in 8 CFR 264.1(a) with the intention to reduce confusion and improve the usability of the regulations:

- I–94, Arrival-Departure Record;
- I–485, Application for Status as Permanent Resident;
- I–590, Registration for Classification as Refugee—Escapee; and
- I–817, Application for Voluntary Departure under the Family Unity Program.

DHS is adding Form I–94A/94W to the Form I–94 entry to reduce confusion about the effect of Form I–94A, Departure Record and Form I–94W, Nonimmigrant Visa Waiver Arrival/Departure Record. Form I–94A is the paper version of the electronic Form I–94 and used by aliens to report their arrival/departure and admission and parole information to DHS. *See* 8 CFR 1.4. Form I–94W relates to aliens who are admitted to the United States under the Visa Waiver Program. *See* 8 CFR 217.2(c)(2). While these forms are, and always have been, subcategories of Form I–94, DHS is adding Forms I–94A and I–94W to clarify that these forms are also prescribed registration forms.

Furthermore, DHS is revising the form title for Form I–485 to ''Application to Register Permanent Residence or Adjust Status, or its predecessor or successor form.'' The form name in the registration regulations has not been updated since the reference was first added to 8 CFR 264.1(a) in 1965. *See* 30 FR 13862 (Nov. 2, 1965).

Similarly, DHS is updating the form title of Form I–590 to ''Registration for Classification as Refugee.'' Form I–590 was added to 8 CFR 264.1(a) in 1960 as ''Registration for Classification as Refugee-Escapee.'' *See* 25 FR 10495 (Nov. 2, 1960). The entry has not been updated since although refugee processing has changed, as explained later in this section. DHS is also updating the form title of Form I–817 to ''Application for Family Unity Benefits or its successor form, or its predecessor form.'' The form title in the registration regulations has not been updated since the reference was first added to 8 CFR 264.1(a) during the implementation of Form I–817 in 1992 (57 FR 6457 (Feb. 25, 1992)) and was not updated when the former INS renamed the form in 2001. *See* 66 FR 29661 (June 1, 2001). DHS's modification of these form titles

[84] *See* Public Law 99–603, 100 Stat. 3359 (1986).

[85] *See* 73 FR 76505, 76508 (Dec. 17, 2008) (''DHS notes that Form I–688, ''Temporary Resident Card,'' and Forms I–688A and I–688B, ''Employment Authorization Cards,'' are no longer issued and has determined that any such documents that were previously issued have expired. Therefore, this rule removes these documents from List A and any references to the documents in the receipt provision at 8 CFR 274a.2(B)(1)(vi)(C). USCIS now issues Forms I–766 to those who formerly received Forms I–688, I–688A, or I–688B. The Form I–766 remains on List A. 8 CFR 274a.2(b)(1)(v)(A)(4).''); *see also, e.g.,* 76 FR 53764 (Aug. 29, 2011) (removing the entries ''I–688'', ''I–688A'' and ''I–688B'' from the table in 8 CFR 264.1(b)).

[86] 86 In 1994, the former INS no longer used Form I–691 and removed it as a prescribed form in 8 CFR 299.1. *See* ''Immigration and Nationality Forms,'' 59 FR 25555 (May 17, 1994). Form I–700 was accepted between June 1, 1987, and November 30, 1988 for aliens who were eligible under the SAW legalization program, before the sunset date of the application period for temporary resident status on December 1, 1988. *See* Pub. L 99–603, 100 Stat. 3359, 3417 (1986).

[87] 87 Form I–551, as the exclusive alien registration card for the use of permanent resident aliens replaced Form I–151 and prior registration documents, such as Forms AR–3 and AR–103. *See* Establishment of Form I–551, Alien Registration Receipt Card, as the Executive Form of Registration for Lawful Permanent Resident, 58 FR 48775 (Sept. 20, 1993). The rule invalidated these documents and bearers of Form I–151 or a prior registration document were directed to replace that document with the current Form I–551. *See id.*

ensures that form names are accurately reflected, which reduces confusion and improves usability of the regulations.

In addition to the changes to the above form numbers and names, DHS is updating the following class of aliens related to the list of prescribed registration forms found in 8 CFR 264.1(a):

- I–94, Arrival and Departure Record;
- I–181, Memorandum of Creation of Record of Lawful Permanent Residence; and
- I–590, Registration for Classification as Refugee—Escapee.

DHS is removing the entry referring to the class of ''aliens whose claimed entry prior to July 1, 1924 cannot be verified, they having satisfactorily established residence in the United States since prior to July 1, 1924'' from the Form I–94 entry. DHS is removing this class from the regulation since this population would at this point be over 100 years old, making this entry obsolete.

DHS is also revising the class entry in Form I–181, which currently reads ''Aliens presumed to be lawfully admitted to the United States under 8 CFR 101.1'' to ''Aliens born to an alien lawfully admitted for permanent residence during a temporary visit abroad admitted without a visa under 8 CFR 211.1(b).'' The existing class description is no longer an accurate representation of which aliens use Form I–181 to receive evidence of registration, Form I–551, Permanent Resident Card. The DHS revision reduces confusion and improves usability of the regulations.

The current class of aliens of Form I–590, ''Refugee-escapees paroled pursuant to section 1 of the INA of July 14, 1960,'' is no longer an accurate description of the Form I–590, as it was added in 1960 and has not been updated since. *See* 25 FR 10495 (Nov. 2, 1960). The Refugee Act of 1980 established a uniform procedure for the admission of qualifying aliens as refugees under section 207 of the INA, 8 U.S.C. 1157. *See* Public Law 96–212, 94 Stat. 102 (Mar. 17, 1980). Under section 207 of the INA, 8 U.S.C. 1157, aliens who are admitted to the United States as refugees through an approved Form I–590 are granted refugee status on the date they are admitted. *See* INA sec. 207(c), 8 U.S.C. 1157(c). Aliens qualifying as refugees often were paroled into the United States prior to the Refugee Act, and aliens generally are no longer paroled as refugees. *See* INA sec. 212(d)(5)(B), 8 U.S.C. 1182(d)(5)(B). DHS thus revises the class description for the entire entry to read ''I–590, Registration for Classification as Refugee or its successor form, or its predecessor form—Applicants under section 207 of the INA and Refugee-escapees paroled pursuant to section 1 of the Act of July 14, 1960.'' This modification reduces confusion and improves the usability of the regulations. Other than the modifications described in this section, DHS is not making additional changes and is republishing any entry in 8 CFR 264.1(a) not described in this section without changes.

B. Changes to Forms Constituting Evidence of Registration in 8 CFR 264.1(b)

DHS and former INS have periodically updated the list of forms which constitute evidence of registration, found in 8 CFR 264.1(b). Prior to the publication of the IFR, the most recent amendments to the list were the addition of a note in 2013, and addition and deletion of some forms in 2011.[88] Other than the modifications described in this section, DHS is not making additional changes and is republishing any entry in 8 CFR 264.1(b) not described in this section without changes.

1. Updating Form I–94 as Evidence of Registration

DHS is making the same updates to the entry relating to Form I–94 in 8 CFR 264.1(b) as those that were made in 8 CFR 264.1(a). *See* section IV.A. 2 of this preamble. DHS is adding Form I–94A/94W to the Form I–94 entry to reduce confusion about the effect of Form I–94A and Form I–94W, and is removing the entry referring to the class of ''aliens whose claimed entry prior to July 1, 1924 cannot be verified, they having satisfactorily established residence in the United States since prior to July 1, 1924.'' DHS is removing this class from the regulation since this population would at this point be over 100 years old, making this entry obsolete.

2. Updating Form Names and Numbers Related to Border Crossing Cards

DHS is removing the form numbers and titles of the Form I–185, Nonresident Alien Canadian Border Crossing Card (BCC) and Form I–186, Nonresident Alien Mexican (BCC) and adding ''DSP–150, B–1/B–2 Visa and Border Crossing Card or its successor form, or its predecessor form.'' DHS is retaining the class description for the Form I–186 entry, as it is still accurate. DHS is not retaining the class description for the Form I–185 entry, because it no longer applies.

In 2002, the former INS eliminated Form I–185, Nonresident Alien Canadian Border Crossing Card, and Form I–186, Nonresident Alien Mexican Border Crossing Card (67 FR 71443 (Dec. 2, 2002)) in order to meet the biometric requirements in the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996.[89] The former INS determined that these BCCs did not meet the biometric requirements and as a result prohibited the use of those two cards and stated that they would no longer be accepted for admission into the United States on or after October 1, 2002. *See* 8 CFR 212.6(c); *see also* 67 FR 71443, 71443–71444 (Dec. 2, 2002).

The issuance of Form I–185 ceased on April 1, 1998, and the government did not replace the Canadian BCC. The former INS highlighted the longstanding regulation that aliens who are Canadian citizens are permitted to travel temporarily to the United States without a visa. *See* 8 CFR 212.1(a); *see also* 67 FR 71443, 71445.

Prior to the elimination of the Form I–186, State published regulations on application procedures and criteria for border crossing cards, including the creation of a new card, Form DSP–150, B–1/B–2 Visa and Border Crossing Card, to satisfy the biometric requirements in IIRIRA and replace the Form I–186. *See* 64 FR 45163 (Aug. 19, 1999). Generally, an alien who is a citizen and resident of Mexico files an electronic nonimmigrant visa application on a Form DS–160, Online Nonimmigrant Visa Application to request a Form DSP–150, B–1/B–2 Visa and Border Crossing Card. *See* 8 CFR 212.6 and 22 CFR 41.32. Once duly executed, the alien satisfies the registration requirements[90] and may use the Form DSP–150 as evidence of registration. DHS's technical update of replacing Form I–186 with Form DSP–150 in 8 CFR 264.1(b) accurately describes the current procedures on border crossing cards, reduces confusion, and improves usability of the regulation. The update does not substantively impact who is considered duly registered. Additionally, this update is similar to technical updates made in this section when the former INS replaced Form I–151 as evidence of registration with Form I–551, Permanent Resident Card, to reflect the current practice and procedures. 45 FR 52143 (Aug. 6, 1980). The elimination of references to outdated and expired

[88] *See* Definition of Form I–94 To Include Electronic Format, 78 FR 18457 (Mar. 27, 2013), and Immigration Benefits Business Transformation, Increment I, 76 FR 53764 (Aug. 29, 2011).

[89] *See* Public Law 104–828, sec. 104 (Sept. 24, 1996).

[90] *See* INA sec. 221(b); 22 CFR 41.32.

forms, particularly when those forms were replaced with successors, is common in former INS and DHS procedural rules updating 8 CFR 264.1 over many years.

3. Adding Forms That Constitute Evidence of Registration

DHS is adding the following forms and class of aliens that constitute evidence of registration to the table in 8 CFR 264.1(b):

- I–860, Notice and Order of Expedited Removal—Aliens who have been determined to be inadmissible under section 212(a)(6)(C) or (7) of the Act and ordered removed under section 235(b)(1) of the Act;
- I–871, Notice of Intent/Decision to Reinstate Order—Aliens who reentered the United States illegally and whose prior order of removal has been reinstated under section 241(a)(5) of the Act; and
- CBP-approved document or electronic equivalent for the Trusted Travel Programs NEXUS, SENTRI, FAST, and Global Entry—Aliens who were last admitted to the United States through NEXUS, SENTRI, FAST, or Global Entry facilitated processing.

First, DHS is adding ''I–860, Notice and Order of Expedited Removal'' with the class of aliens who are subject to the expedited removal provisions, and ''I–871, Notice of Intent/Decision to Reinstate Prior Order'' with the class of aliens who are subject to reinstatement of a prior expedited, deportation, or removal order, as evidence of registration in 8 CFR 264.1(b). Similar to the Form I–862, Notice to Appear, and Form I–863, Notice of Referral to Immigration Judge, the forms relate to various types of removal proceedings under the INA. Both of these additional forms reflect a level of direct interaction with DHS officers engaged in immigration enforcement, including the collection of biometrics, that is similar to the already prescribed Forms I–862 and I–863. These forms constitute evidence of registration as of June 29, 2026 whether these forms were issued to the alien before, on, or after June 29, 2026.

This technical update reduces confusion and improves usability of the regulation.

Second, DHS is also adding to 8 CFR 264.1(b), ''CBP-approved document or its electronic equivalent for the Trusted Traveler Programs NEXUS, SENTRI, FAST, and Global Entry—Aliens who were last admitted to the United States through NEXUS, SENTRI, FAST, or Global Entry facilitated processing.'' An alien who is accepted as a member into one of these Trusted Travel Programs (TTP)[91] after completing an electronic application,[92] providing fingerprints, and undergoing vetting by CBP is either issued a CBP-approved document or may view membership details on his or her TTP online account. When an alien seeks admission into the United States either by air, land, or sea as a member under one of the TTPs, he or she is processed for admission using the facilitated processing designated for that program. The CBP-approved document for these TTPs or electronic membership information from an alien's TTP online account will serve as evidence of registration for aliens who were last admitted to the United States using facilitated TTP processing. As an alien cannot satisfy the registration requirement of section 262 of the INA, 8 U.S.C. 1302, by applying for one of these programs after entering the United States, it would not make sense to add the related application forms to 8 CFR 264.1(a). Similar to aliens who register through the nonimmigrant or immigrant visa process with State, to be registered through a TTP, an alien must apply for and receive that evidence, either the CBP-approved card or its electronic equivalent, before using it to apply for admission in order for it to serve as evidence of registration. This update reduces confusion and improves the usability of the regulation.

4. Remove the Word ''Form'' in 8 CFR 264.1(b)

DHS is removing the word ''Form'' for the I–862, Notice to Appear, and for the I–863, Notice of Referral to Immigration Judge to improve the readability and make it consistent with the other entries related to the form that constitute evidence of registration in 8 CFR 264.1(b).

C. Changes to Fingerprint Waiver in 8 CFR 264.1(e)(1)

DHS is removing the language waiving the fingerprinting requirements for ''nonimmigrant aliens admitted as foreign government officials and employees; international organization representatives, officers and employees'' from 8 CFR 264.1(e)(1) because the statute exempts the registration requirement completely for these aliens, ''until the alien ceases to be entitled to such a nonimmigrant status.'' *See* INA secs. 101(a)(A), (G), 263(b), 8 U.S.C. 1101(a)(A), (G), 1303(b). DHS is retaining the existing fingerprint waiver for holders of diplomatic visas[93] while they maintain such status, 8 CFR 264.1(e)(1). Other than A and G nonimmigrant visas (which are exempt from fingerprinting under the INA, see section 263, 8 U.S.C. 1303), diplomatic visas include visas issued in the B, F, J, or other nonimmigrant categories to those classes of aliens eligible to receive diplomatic visas. *See* INA sec. 101(a)(11), 8 U.S.C. 1101(a)(11), and 22 CFR 41.26, 9 FAM 402.3. Consistent with 8 CFR 264.1(e)(1) and new 8 CFR 264.1(e)(2), USCIS will continue to waive fingerprinting for such diplomatic visa holders if such an alien would complete Form G–325R to register. *See* new 8 CFR 264.1(e)(2). DHS reminds the public that this rule is limited to making non-substantive and clarifying modifications to DHS's regulation at 8 CFR 264.1(e) as part of the alien registration requirement under section 262 of the INA, 8 U.S.C. 1302 while the alien is in the United States. The DHS exemption from the fingerprinting requirement is independent of exemptions or waivers of fingerprinting requirements by State pursuant to section 221 of the INA, 8 U.S.C. 1201.

Additionally, DHS is adding language to clarify that the attendants, servants, or personal employees of North Atlantic Treaty Organization (NATO) representatives, officers, and employees (NATO–7 nonimmigrants) are not themselves eligible for the waiver because they are not and have never been classified as NATO representatives, officers, or employees or their immediate family members. *See* 8 CFR 214.2(s)(1)(i). DHS is amending this part of the regulation to reduce confusion.

All NATO nonimmigrants, those who are NATO representatives, officers, and employees, their immediate family members as well as the attendants, servants, or personal employees of those NATO representatives, officers, and employees, are subject to the alien registration requirement. The existing language of 8 CFR 264.1(e) clearly states

[91] NEXUS, SENTRI, and FAST are cross-border Trusted Travel Programs that facilitate land border crossing of prescreened low-risk travelers and commercial truck drivers through exclusive dedicated lanes. Members in these voluntary programs must meet certain eligibility requirements and pay a 5-year membership fee. NEXUS (the northern border program) and SENTRI (the southern border program) are for drivers and passengers; FAST (Free and Secure Trade for the northern and southern borders) is the commercial equivalent for truck drivers. Global Entry is an international trusted program to expedite clearance of pre-approved, low-risk air travelers into the United States. *See* DHS, ''Trusted Traveler Programs,'' *https://ttp.dhs.gov/*.

[92] The TTP electronic applications collect basic biographic information and information required by section 264(a) of the INA, 8 U.S.C. 1304(a).

[93] *See* 22 CFR 41.26(a)(2). ''Diplomatic visa means any nonimmigrant visa, regardless of classification, which bears that title and is issued in accordance with the regulations of this section.''

that nonimmigrant aliens who are the representatives, officers, and employees of NATO have a waiver of the fingerprinting requirement of section 262 of the INA, 8 U.S.C. 1302. These aliens fall into the NATO–1 through NATO–6 nonimmigrant visa categories.

The language does not directly address the attendants, servants, or personal employees of such aliens, who fall into the NATO–7 nonimmigrant category. However, since those NATO–7 nonimmigrants are not themselves representatives, officers, or employees of NATO, DHS finds that the existing regulatory language excludes these NATO–7 nonimmigrants from the fingerprinting waiver. In order to clarify this for the public, DHS is adding a parenthetical making the exclusion explicit. *See* 8 CFR 264.1(e)(1). This approach is consistent with State policy concerning biometrics collection for NATO nonimmigrant visa applications. State waives biometric requirements for aliens applying for nonimmigrant visas in the NATO–1–6 categories. State requires aliens applying for nonimmigrant visas as attendants, servants, or personal employees of NATO representatives, officers, and employees in the NATO–7 category to provide biometrics.[94]

In addition to the previously noted procedural rule changes, DHS is restructuring paragraph (e)(1) of 8 CFR 264.1 to separate the three fingerprint waivers addressed in that paragraph into three paragraphs and adding ''she'' or ''her'' where appropriate. *See* new 8 CFR 264.1(e)(1) through (5). DHS is redesignating current paragraphs (e)(2) and (3) as paragraphs (e)(4) and (5). *See* new 8 CFR 264.1(e)(1) through (5). Correspondingly, the reference to current paragraph (e)(1) contained in current paragraph (e)(2) is updated in the newly designated paragraph (e)(4) to reflect that paragraph (e)(4) is exclusive of the aliens described in new paragraphs (e)(1) through (e)(3). *See* new 8 CFR 264.1(e)(4). DHS is also making minor editorial changes by adding ''she'' and ''her'' where appropriate, throughout the entire paragraph (e). *See* new 8 CFR 264.1(e). The restructuring and adding ''she'' or ''her'' will add clarity to the provisions and simplify the regulatory text. These changes are technical in nature and nonsubstantive, and they are designed to make it easier for the public to identify and understand the requirements by enhancing the readability of the regulation.

D. Updates to 8 CFR 264.1(g) and (g)(1)

DHS is amending regulations at 8 CFR 264.1(g) to reduce confusion, to enhance readability, and to more accurately describe the current procedures. DHS is adding ''or by law'' after ''under the Act.'' *See* new 8 CFR 264.1(g). The modification accounts for any further exemptions to registration by any law in the future that does not amend the INA.

Additionally, DHS is eliminating the language in 8 CFR 264.1(g)(1) that suggests a permanent resident alien who reaches the age of 14 while temporarily absent from the United States must submit a photograph when applying for registration after turning 14. *See* current 8 CFR 264.1(g)(1) and new 8 CFR 264.1(g)(1). Such aliens are applying for registration under section 262 of the INA, 8 U.S.C. 1302, by replacing their permanent resident cards under 8 CFR 264.5. Because of technological advances, a physical photograph is no longer needed in association with his or her request for a new permanent resident card under 8 CFR 264.5.[95]

DHS is also adding clarification in 8 CFR 264.1(g)(1) that an LPR must apply for registration within 30 days of his or her return to the United States in accordance with applicable form instructions and with the fee specified in 8 CFR 106.2 to replace a permanent resident card. This is consistent with current 8 CFR 264.5(a), which requires that aliens seeking to replace a permanent resident card must file the request in accordance with the appropriate form instructions and with the fee specified in 8 CFR 106.2. This amendment to 8 CFR 264.1(g)(1) makes it clear that these LPRs must also submit the applicable form to replace a permanent resident card for registration purposes, consistent with 8 CFR 264.5.

DHS is eliminating ''if a lawful permanent resident of the United States'' in the second sentence of paragraph (g)(1) and after ''the alien.'' This language is duplicative, and other text in paragraph (g)(1) already limits the applicability of the provisions to LPRs. DHS is adding ''she'' or ''her'' where appropriate in paragraph (g)(1).

E. Changes to Temporary Evidence of Permanent Resident Status in 8 CFR 264.5(h)

DHS is amending 8 CFR 264.5(h) to state that USCIS may issue temporary evidence of registration and LPR status to a ''lawful permanent resident or conditional permanent resident alien who has properly filed an application for a replacement permanent resident card or for naturalization, petitioned for the removal of the conditions on his or her residence using the form prescribed by USCIS, or as otherwise determined by USCIS in accordance with the form instructions.'' *See* new 8 CFR 264.5(h).

The existing regulation in 8 CFR 264.5(h) is no longer consistent with USCIS' approach to the issuance of temporary evidence of lawful or conditional permanent resident status. If an alien needs temporary evidence of permanent resident status (and, by extension, registration), a USCIS field office may issue a temporary I–551 stamp[96] in his or her passport or issue Form I–94 with a temporary I–551 stamp. The current language in 8 CFR 264.5(h) is very narrow and only mentions providing temporary evidence of permanent residence and registration when: (a) an alien has a pending application for a replacement permanent resident card and (b) the alien is departing temporarily from the United States and USCIS cannot issue the replacement card before the alien's departure.

It does not account for circumstances in which an alien requires temporary evidence of permanent residence but does not have a pending application to replace a permanent resident card, or situations in which the alien needs temporary evidence of permanent residence and registration for purposes unrelated to foreign travel, such as evidence of status for employment or business purposes. In practice, USCIS may issue temporary evidence of registration when the alien has a pending naturalization application or petition to remove conditions on his or her residence.[97] USCIS also does not

[94] U.S. Department of State, Foreign Affairs Manual, ''Waiver of Personal Appearance/Interviews,'' 9 FAM 402.3–4(E) (Mar. 26, 2025), *https://fam.state.gov/FAM/09FAM/09FAM040203.html#M402_3_4_E.*

[95] Physical photos are not required evidence when filing to replace a permanent resident card. *See* USCIS, Form I–90, ''Instruction for Application to Replace Permanent Resident Card,'' OMB No. 1615–0082 (expires Feb. 28, 2027) and USCIS Policy Manual Volume 11, ''Travel and Identity Documents,'' Part B, ''Permanent Resident Cards,'' Chapter 2, ''Replacement of Permanent Resident Card,'' Section D, ''Documentation and Evidence,'' Subsection 4, ''Required Evidence'' 11 USCIS–PM B.2(D)(4), *https://www.uscis.gov/policy-manual/volume-11-part-b-chapter-2* (last updated Dec. 22, 2025).

[96] Also known as an ADIT Stamp. *See* USCIS Policy Manual, Volume 11, ''Travel and Identity Documents,'' Part B, ''Permanent Resident Cards,'' Chapter 2, ''Replacement of Permanent Resident Card,'' Section F, ''Temporary Evidence of Permanent Resident Status,'' 11 USCIS–PM B.2(F), *https://www.uscis.gov/policy-manual/volume-11-part-b-chapter-2* (last updated June 13, 2025).

[97] *See* USCIS Policy Manual, Volume 6 ''Immigrants,'' Part I, ''Family-Based Conditional Permanent Residents,'' Chapter 2, ''Terms and Conditions of CPR Status,'' ''Evidence of CPR Status,'' 6 USCIS–PM I.2(C), *https://www.uscis.gov/*

limit issuance of temporary evidence of permanent residence and registration to situations involving the need for travel outside of the United States. DHS is also clarifying that the temporary evidence of registration placed by USCIS in the alien's passport does not need to be surrendered to USCIS by the alien when the alien is issued a new Form. These amendments in 8 CFR 264.5(h) reduce confusion and are consistent with current practice of DHS.

F. Change Related to the Application for a Nonimmigrant Arrival-Departure Record in 8 CFR 264.6

DHS is amending regulations in 8 CFR 264.6 by making technical editorial updates. The update is in 8 CFR 264.6(a)(3) to remove an obsolete regulatory reference to paragraph 8 CFR 235.1(h)(1)(vi) in 8 CFR 264.6(a)(3). This change reduces confusion and enhance readability.

V. Request for Comments

As part of this rulemaking, and after carefully considering the comments received, DHS realized that aspects of the 8 CFR part 264, including 8 CFR 264.1 are outdated and would benefit from improvement. Thus, in this section, DHS requests comments on the proposals described in this section that could be finalized through a future rulemaking. These proposed amendments would improve usability and reduce the need for conforming changes in the future, if finalized in a future rulemaking. The modifications would not change the alien registration requirements under section 262 of the INA, 8 U.S.C. 1302. DHS invites comments on these changes during the public comment period.

A. Prescribe Additional Registration Forms To Align With DHS Information Collections and Ensure Screening and Vetting to a Uniform Baseline

While 8 CFR 264.1(a) has been periodically updated by USCIS and former INS over the years to eliminate references to outdated forms that can no longer be submitted by an alien to fulfill their duty under section 262 of the INA, 8 U.S.C. 1302, and to prescribe additional registration forms, DHS has not completed a general update to the regulation since at least 2011. *See* 76 FR 53764 (Aug. 29, 2011). Many commenters noted that there are existing DHS forms that may be suitable for registration purposes that are not listed in 8 CFR 264.1(a). Prescribing certain existing forms with information collection and thorough biometric-based screening and vetting for use by aliens to fulfill their duty to register under section 262 of the INA, 8 U.S.C. 1302, would improve registration outcomes for certain populations of aliens while increasing efficiency and reducing burden for the public and the government. However, many of the forms suggested by commenters or otherwise considered by DHS for inclusion do not currently collect all of the information required by section 264(a) of the INA, 8 U.S.C. 1304(a). In addition, some of the forms considered currently do not collect biometrics from aliens as required by section 262 of the INA, 8 U.S.C. 1302, for the purposes of registration. Therefore, to prescribe these additional registration forms, DHS would have to take additional actions, including amending information collections in accordance with the PRA. For these reasons, DHS is not prescribing those additional forms for registration in 8 CFR 264.1(a) in this final rule.

However, DHS may prescribe additional registration forms in the future, accompanied by appropriate action under the PRA and updates to those forms and processes to ensure that they collect the required information, include biometrics collection, and meet the uniform baseline for screening and vetting standards and procedures. DHS may prescribe additional forms without prior notice and comment under the APA because doing so would be a rule of agency organization, procedure, or practice under 5 U.S.C. 553(b)(A). As DHS considers prescribing additional registration forms, it welcomes input from the public on the topic to help guide its deliberations. For this reason, DHS requests comments on its proposal to add additional forms to the list of prescribed registration forms found in 8 CFR 264.1(a). DHS also requests comments from the public relating to the potential addition of other forms to the list. These other forms and conforming changes would be as follows:

- Form I–90, Application to Replace Permanent Resident Card [98]
- Form I–102, Application for Replacement/Initial Nonimmigrant Arrival Departure Document—Aliens admitted as nonimmigrants and not issued Form I–94/94A/94W at the time of admission
- Form I–539, Application to Extend/Change Nonimmigrant Status
- Form I–589, Application for Asylum and Withholding of Removal
- Form I–730, Refugee/Asylee Relative Petition—Alien beneficiary in the United States
- Form I–751, Petition to Remove Conditions on Residence—Conditional permanent residents who reached age 14 and are requesting to remove conditions on residence.
- Form I–821, Application for Temporary Protected Status
- Form I–829, Petition to Remove Conditions on Residence –Conditional permanent residents who reached age 14 and are requesting to remove conditions on residence.
- Form I–854A, Inter-Agency Alien Witness and Informant Record
- Form I–881, Application for Suspension of Deportation or Special Rule Cancellation of Removal
- Form I–914, Application for T Nonimmigrant Status
- Form I–918, Petition for U Nonimmigrant Status

B. Ensuring That Evidence of Registration Is Provided to Aliens Who Have Registered and Been Screened and Vetted to a Uniform Baseline

As with the list of prescribed registration forms, DHS and former INS have periodically updated the list of forms that constitute evidence of registration, found in 8 CFR 264.1(b). Prior to the publication of the IFR, the most recent amendments to the list were the addition of a note in 2013, and addition and deletion of some forms in 2011. 78 FR 18457 (Mar. 27, 2013) and 76 FR 53764 (Aug. 29, 2011).

1. Eliminate Certain Prescribed Evidence of Alien Registration Forms From 8 CFR 264.1(b)

DHS is considering removing Form I–766, Employment Authorization Document, from the list of evidence of registration.

The use of Form I–766, Employment Authorization Document, as evidence of registration is problematic for certain categories of aliens. The former INS first prescribed a registration form related to employment authorization in 1987, after the enactment of the Immigration Reform and Control Act of 1986

policy-manual/volume-6-part-i-chapter-2 (last updated June 13, 2025); USCIS Policy Manual, Volume 12 ''Citizenship and Naturalization,'' Part D, ''General Naturalization Requirements,'' Chapter 2, ''Lawful Permanent Resident Admission for Naturalization,'' ''Evidence of LPR Status,'' 12 USCIS–PM D.2(A)(4), *https://www.uscis.gov/policy-manual/volume-12-part-d-chapter-2* (last updated June 13, 2025).

[98] Form I–90 is already used as a registration form for aliens who are LPRs over the age of 14 in accordance with the instructions of the Form I–90. *See* USCIS, Form I–90, ''Instruction for Application to Replace Permanent Resident Card,'' OMB No. 1615–0082 (expires Feb. 28, 2027), *https://www.uscis.gov/sites/default/files/document/forms/i-90instr.pdf.*

(IRCA).[99] In that rule, former INS amended 8 CFR 264.1(a) and (b) ''to include documents relating to the Legalization and Special Agricultural Worker (SAW) programs as registration forms and evidence of registration.'' [100] Notably, former INS added Form I–688A, Employment Authorization Card, to 8 CFR 264.1(b). The former INS also added the legalization and SAW application forms to 8 CFR 264.1(a), prescribing them as registration forms.[101]

Form I–688A was a card issued to applicants for legalization or SAW legalization after they had submitted their application, completed an initial interview, and provided their biometrics. It served as evidence of employment authorization under section 245A(e)(2) of the INA, 8 U.S.C. 1255a(e)(2), during the period between the presentation of a prima facie application for lawful temporary resident status and the final determination on that application. It served a similar purpose for applicants for SAW legalization for an alien who presented a nonfrivolous application for legalization until a final determination on the application was made, under section 210(d)(2) of the INA, 8 U.S.C. 1160(d)(2). Again, Form I–688A was only issued after submission of a form prescribed in 8 CFR 264.1(a) with significant information collection, initial review of the form and interview of the alien by former INS, and the provision of biometrics.

The former INS made further updates to 8 CFR 264.1(b) relating to employment authorization documents in 1996. *See* 61 FR 46534 (Sept. 4, 1996). These updates were related to the introduction of a new, more secure form (the Form I–766, or EAD) and the phasing out of the old Form I–688A (issued to legalization and SAW legalization applicants) and the Form I–688B (produced locally at former INS field offices and issued to aliens as evidence of employment authorization under certain provisions of 8 CFR 274a.12). The former INS explained in the rule that because Form I–766 would eventually replace Form I–688A, it was amending 8 CFR 264.1(b) to include Form I–766. *See* 61 FR 46534, 46535. The former INS also added Form I–688B, which had never previously been considered evidence of registration, to 8 CFR 264.1(b). *See* 61 FR 46534, 46535. It did so writing that ''because an employment authorization document is considered an alien registration document for purposes of identity and employment eligibility (List A) of the Form I–9, the Service is amending part 264 to add Forms I–688B and I–766.'' *See* 61 FR 46534, 46535.

However, upon reviewing the information that USCIS collects to issue Form I–766 and the related fingerprint collection requirements, certain paths that aliens can take to obtain Form I–766 may not meet the statutory requirements for alien registration. By contrast, the Form I–688A was evidence of registration issued under section 264(d) of the INA, 8 U.S.C. 1304(d), after an alien had appeared in person and filed a registration form prepared as directed in section 264(a) of the INA, 8 U.S.C. 1304(a) and designated under 8 CFR 264.1(a), and the alien had been fingerprinted.

This issue does not call into question the validity of current Form I–766 as evidence of identity and employment authorization as a List A document under section 274A(b)(1)(B)(ii) of the INA, 8 U.S.C. 1324a(b)(1)(B)(ii). Form I–766 falls within the category of some ''other document designated by the Attorney General'' that meets the three statutory requirements.[102] Form I–766 does not have to be prescribed as evidence of registration for it to serve, as it historically has, as evidence of employment authorization, identity, and immigration status for any purpose.

Since Form I–766 was added to the list of forms constituting evidence of registration in 1997, former INS and then DHS expanded the categories of aliens to whom they issue Form I–766. Form I–766 is issued to many aliens who have not submitted a form prescribed in 8 CFR 264.1(a) or even a form that meets the requirements of section 264(a) of the INA, 8 U.S.C. 1304(a), without being prescribed. As a result, Form I–766 is issued to many aliens who have not provided the basic information mandated by Congress for registration. Form I–766 is also issued to many aliens who are not fingerprinted as a part of that process (and may not have provided fingerprints during previous encounters with immigration agencies), whereas the statute requires fingerprinting before being issued evidence of alien registration. *See* INA sec. 264(d), 8 U.S.C. 1304(d) (''Every alien in the United States who has been registered *and fingerprinted* . . . under the provisions of this chapter shall be issued'' (emphasis added) evidence of registration.). In addition, the different paths that an alien may take to request a Form I–766 have widely varying background checks associated with them. This means that aliens issued Form I–766 may have undergone different screening and vetting standards and procedures (including, as noted, potentially not providing fingerprints at all), rather than the uniform baseline of screening and vetting that logically should be applied to all aliens registering under section 262 of the INA, 8 U.S.C. 1302.

If DHS were to remove Form I–766 from the list of evidence of registration in 8 CFR 264.1(b), the effect would be that those aliens who have not already registered in some way and obtain a Form I–766 for purposes of employment and identity verification would still separately need to apply for registration and provided fingerprints (unless waived) as required under section 262 of the INA, 8 U.S.C. 1302. However, DHS notes that many aliens who seek a Form I–766 are already registered in some way, and that prescribing the additional forms as proposed in Section V.A. would result in the registration of most such aliens.

For these reasons, DHS proposes removing Form I–766 from the list of forms prescribed as evidence of registration in 8 CFR 264.1(b).

Any changes to the ability of Form I–766 to serve as evidence of registration would be forward-looking. That is to say, whether Form I–766 is removed from 8 CFR 264.1(b) or the classes of aliens who may use the form as evidence of registration are limited, it would not affect the ability of Form I–766s issued before the effective date of that future rulemaking to serve as evidence of registration.

This proposal is meant to be implemented in concert with the addition of other registration forms to 8 CFR 264.1(a) as discussed in section V.A.1 of this preamble, and the issuance of evidence of registration prescribed in 8 CFR 264.1(b) as described in section V.B. of this preamble.

DHS also considered alternatives to the proposal to remove Form I–766 from the list of evidence of registration. For example, in the alternative, DHS could limit the classes of aliens for whom Form I–766 can serve as evidence of

[99] *See* Applicant Processing for Special Agricultural Worker and Legalization Programs; Conforming Amendments, etc., 52 FR 16190 (May 1, 1987).

[100] *Id.*

[101] *Id.*

[102] The relevant statutory text states that among the documents establishing both employment authorization and identity is a ''resident alien card, alien registration card, or *other document designated by the Attorney General,* if the document'' (emphasis added) contains ''a photograph of the individual and such other personal identifying information relating to the individual as the Attorney General finds, by regulation, sufficient for purposes of this subsection,'' is ''evidence of authorization of employment in the United States,'' and ''contains security features to make it resistant to tampering, counterfeiting, and fraudulent use.'' INA sec. 274A(b)(1)(B)(ii), 8 U.S.C. 1324a(b)(1)(B)(ii).

registration to those aliens who have submitted a registration form prescribed in 8 CFR 264.1(a) and provided their biometrics (unless waived), or who were registered and fingerprinted under section 221(b) of the INA, 8 U.S.C. 1201(b).

Another alternative, DHS could prescribe any and all forms that can result in the issuance of a Form I–766 as registration forms under 8 CFR 264.1(a), including Form I–765, Application for Employment Authorization. DHS notes that this update would require significant additions to DHS forms, and a significant increase in the number of aliens required to provide biometrics. Millions of aliens who are already registered or not required to register submit those forms annually to USCIS and would face the burden of the expanded information collection and biometrics requirements.[103]

DHS welcomes public comments on these proposals, or other comments from the public about how it should address the inadequacy of Form I–766 as evidence of registration under the existing regulations.

2. Updates to the Classes of Aliens for Whom Form I–94 Constitutes Evidence of Registration Under 8 CFR 264.1(b)

DHS also proposes to add those classes of aliens issued Form I–94 upon the approval of those newly prescribed registration forms to the classes of aliens from whom Form I–94 serves as evidence of registration in 8 CFR 264.1(b). While Form I–94 is prescribed as a registration form, the classes of aliens for whom it serves as evidence of registration are limited. Only aliens admitted as nonimmigrants, aliens paroled into the United States under section 212(d)(5) of the INA, 8 U.S.C. 1182(d)(5), and aliens granted permission to depart without the institution of deportation proceedings[104] are listed as classes for whom the Form I–94 serves as evidence of registration. However, there are other aliens to whom DHS issues Form I–94, sometimes after those aliens submit forms: (1) that collect most, if not all, of the information required under section 264(a) of the INA, 8 U.S.C. 1304(a); (2) that have a biometrics requirement; and (3) whose processes include screening and vetting that meet a high uniform baseline. DHS requests public comment on its proposal to add the following classes of aliens to those for whom Form I–94 serves as evidence of registration:

- Aliens granted asylum under section 208 of the INA, 8 U.S.C. 1158.
- Aliens granted extension of stay or change of status by USCIS pursuant to 8 CFR 214.1 and section 248 of the INA, 8 U.S.C. 1258, and 8 CFR part 248.
- Aliens granted nonimmigrant status under section 101(a)(15)(T) of the INA, 8 U.S.C. 1101(a)(15)(T).
- Aliens granted nonimmigrant status under section 101(a)(15)(U) of the INA, 8 U.S.C. 1101(a)(15)(U).

C. Issuance of Evidence of Registration Prior to Adjudication of Related Benefit Request

DHS requests comment on potential ways in which it can provide evidence of registration that is not tied to the final adjudication of a separate immigration benefit request in a timely manner to those aliens who have fulfilled their duty under section 262 of the INA, 8 U.S.C. 1302, by submitting a benefit request to USCIS and providing their biometrics (unless waived).

The Form G–325R process is a registration-only form. There is no immigration benefit associated with registration under section 262 of the INA, 8 U.S.C. 1302, or this new form. An alien fulfills his or her duty to register under section 262 of the INA, 8 U.S.C. 1302, by submitting the application for registration, and providing biometrics (unless waived). USCIS sends evidence of registration to the alien through the alien's myUSCIS account as soon as the alien provides their biometrics. If the alien is not required to provide biometrics, USCIS sends evidence of registration immediately after assessing whether the alien must register.

The same may not be true for other pathways to registration that existed prior to publication of the IFR. For example, Form I–485, Application to Register Permanent Residence or Adjust Status, is prescribed as a registration form in 8 CFR 264.1(a) but is also used by aliens to apply for lawful permanent residence. If an alien submits Form I–485, and provides biometrics (if required), they have complied with their duty to register under section 262 of the INA, 8 U.S.C. 1302. However, they are not immediately (or sometimes ever) provided with evidence of registration. While DHS would issue an alien granted adjustment of status a Form I–551, Permanent Resident Card, an alien whose adjustment application was administratively closed, withdrawn, or denied, would not receive evidence of registration based on filing that prescribed form.

Using immigration benefit requests forms as registration forms saves aliens the time and burden of submitting multiple forms that may be duplicative of information collected, while DHS only processed and adjudicates the one form. However, as described above, it may present challenges for aliens who have registered and yet were not issued evidence of registration, as well as for law enforcement agencies verifying whether an alien has registered. Furthermore, since certain pending immigration benefit requests can serve as temporary evidence of registration under 8 CFR 264.6(c), aliens would likely not have evidence of a pending request and a law enforcement officer would need to validate that claim in DHS systems.

For these reasons, DHS requests comment on potential ways in which it can provide evidence of registration unrelated to immigration benefit requests. Among the options that DHS is considering and on which it would appreciate public comments are the following:

- Creating a new, general form that would serve as evidence of registration and that would be delivered either electronically or through the mail[105] whenever an alien submits an immigration benefit request prescribed as a registration form under 8 CFR 264.1(a) and has provided their biometrics (unless waived).
- Renaming and slightly modifying the current ''USCIS Proof of Alien G–325R Registration'' and issuing it not only to those who have fulfilled their duty to register through the Form G–325R process, but also to those who have submitted other prescribed

[103] For example, in FY 2024 USCIS received approximately 600,000 Form I–765s filed by applicants for adjustment of status. More than 700,000 were filed by aliens paroled into the United States. More than 280,000 were filed by nonimmigrant students. More than 65,000 were filed by H–4 nonimmigrant spouses. More than 60,000 were filed by aliens granted asylum. More than 20,000 were filed by aliens with a final order of deportation or removal. More than 1.6 million Form I–765s were filed by aliens with pending asylum applications, many of whom are already registered because they are in removal proceedings, or because they were admitted or paroled into the United States. *See* USCIS, ''Form I–765, Application for Employment Authorization, Eligibility Category and Filing Type FY 2024,'' *https://www.uscis.gov/sites/default/files/document/data/i765_application_for_employment_fy24.xlsx* (last updated Dec. 16, 2024).

[104] The existing regulation also includes ''aliens whose claimed entry prior to July 1, 1924, cannot be verified, they having satisfactorily established residence in the United States since prior to July 1, 1924,'' but in light of the passage of time, this is now outdated, and DHS is removing it in this final rule.

[105] Electronic delivery of the evidence would be preferred, though if the alien lacked a myUSCIS account then issuance of a physical document may be required.

registration forms and providing their biometrics (unless waived).

• Designating certain notices that USCIS issues prior to the final adjudication of various benefit requests as evidence of registration. For example, such evidence of registration could include an appointment notice for a biometric services appointment associated with a particular benefit request that has been endorsed by USCIS to show that the alien had provided the required biometrics.

D. Updating Outdated Waivers of Biometrics Requirement for Certain Nonimmigrants

1. Eliminate or Replace the Fingerprinting Waiver for Certain Nonimmigrant Aliens

DHS requests public comment on its proposal to eliminate or potentially replace the fingerprinting waiver for certain nonimmigrant aliens. The final sentence of existing 8 CFR 264.1(e)(1) currently waives fingerprinting for ''other nonimmigrant aliens, while they maintain nonimmigrant status, who are nationals of countries which do not require fingerprinting of United States citizens temporarily residing therein.'' 8 CFR 264.1(e). This language has been in the regulations for decades. However, DHS had not previously needed identify these countries or define what ''temporarily residing therein'' means for purposes of the waiver.

Until DHS added the Form G–325R to 8 CFR 264.1(a), there were no prescribed registration forms to which it applied the nonimmigrant biometric waivers found in 8 CFR 264.1(e), including this one. All of the other prescribed registration forms have biometrics collection requirements unique to each benefit request.

As a potential replacement, DHS proposes that fingerprinting for purposes of registration be waived for nonimmigrant aliens, while they maintain nonimmigrant status, who are nationals of Canada or nationals of a Visa Waiver Program designated country as described in 8 CFR 217.2(a).

DHS notes that any changes to 8 CFR 264.1(e) would not affect the biometrics requirements associated with those prescribed registration forms or processes that are not within DHS authority or are also immigration benefit requests with their own biometrics requirements. Amendments to 8 CFR 264.1(e) have no effect on biometrics requirements for nonimmigrant and immigrant visa applicants with State, or on prescribed registration forms that are also immigration benefit requests.

2. Clarify ''Not Previously Fingerprinted'' in 8 CFR 264.1(e)(2) and (3)

Certain nonimmigrant aliens benefit from waivers of the fingerprinting requirement associated with registration under 8 CFR 264.1(e), but must provide their biometrics when certain triggering events occur. The requirement to provide fingerprints upon a triggering event applies to nonimmigrant aliens ''not previously fingerprinted.'' However, the current regulation does not explain or define which aliens are considered not previously fingerprinted and would have to be fingerprinted under 8 CFR 264.1(e)(2) or (3) due to a triggering event.

DHS requests public comment on a proposal that would clarify that aliens are considered ''not previously fingerprinted'' for purposes of 8 CFR 264.1(e) when a registered alien had not been fingerprinted by either by DHS or State. Specifically, a registered alien who was not fingerprinted by DHS in association with the submission of a prescribed registration form listed in 8 CFR 264.1(a) or when issued evidence of registration listed in 8 CFR 264.1(b) is considered ''not previously fingerprinted'' by DHS. A registered alien who was not fingerprinted by State in association with their application for a nonimmigrant visa under section 221(b) of the INA, 8 U.S.C. 1201(b), which served as the basis for their most recent admission to the United States as a nonimmigrant, is considered ''not previously fingerprinted'' by State. Under this proposal, an alien that is registered but ''not previously fingerprinted'' by DHS or State, would be required to provide fingerprints for purposes of 8 CFR 264.1(e)(1) or (2) based on a triggering event. The lack of an explanation could leave aliens confused as to whether or not they have been previously fingerprinted, and as a result uncertain as to their duty to apply for fingerprinting upon a triggering event.

E. Updates to 8 CFR 264.1(g)(2)

DHS requests comment on amending paragraph (g)(2) of 8 CFR 264.1(g) to state that aliens who reach 14 years old and who must apply for registration must surrender any prior evidence of alien registration that is invalid or expired, unless such evidence was issued in a digital format, or such evidence of alien registration is associated with exclusion, deportation, or removal proceedings and that USCIS will issue the alien new evidence of alien registration.

Under the proposal, an alien's evidence of registration may also serve as identification, proof of immigration status, or eligibility for employment authorization in the United States. Under the proposal, 8 CFR 264.1(g)(2) would read as follows:

• ''*Others.* In the case of an alien who is not a lawful permanent resident, the alien must surrender any prior evidence of alien registration. USCIS will issue the alien new evidence of alien registration.'' USCIS no longer annotates an alien's previously issued registration document as evidence that they fulfilled their obligation under the second sentence of section 262(b) of the INA, 8 U.S.C. 1302(b). This amendment will make the regulatory text consistent with USCIS practice.

F. Requirement To Apply for Replacement Permanent Resident Card When Alien Reaches 14 Years Old

DHS proposes to amend 8 CFR 264.5(b)(8) to require any permanent resident who reaches the age of 14 to apply for the replacement of his or her Permanent Resident Card.

Pursuant to 8 CFR 264.5(b)(8), a permanent resident must apply for the replacement of the Permanent Resident Card ''[w]hen the bearer of the card reaches the age of 14 years, unless the existing card will expire prior to the bearer's 16th birthday.'' DHS believes the phrase ''unless the existing card will expire prior to the bearer's 16th birthday'' was included in the regulation in 1993 so that the fee waiver provision in the regulation could cite to this paragraph (along with paragraphs (b)(7) and (9)).[106] Since the fee waiver provision is now codified at 8 CFR 106.2(a)(1)(iii), DHS believes this language is no longer necessary.

VI. Statutory and Regulatory Requirements

A. Administrative Procedure Act

With this final rule, DHS is finalizing the IFR with additional procedural and technical changes to the regulatory text at 8 CFR 264.1, 264.5 and 264.6. Many of these changes are informed and supported by comments.

1. Procedural Rule Exception and Good Cause Under 5 U.S.C. 553

This rule's primary function is to consider and respond to comments on the IFR. DHS issued the IFR without prior notice and comment as a rule of agency organization, procedure, or

[106] *See* Establishment of Form I–551, Alien Registration Receipt Card, as the Executive Form of Registration for Lawful Permanent Residence, 58 FR 48775 (Sept. 20, 1993).

practice (''procedural rule'') under the APA, 5 U.S.C. 553(b)(A). *See* 90 FR 11793, 11796 (Mar. 12, 2025). As explained in the IFR, the procedural rule exception covers agency actions that do not alter the rights or interests of parties, although it may alter the manner in which the parties present themselves or their viewpoint to the agency. *See JEM Broad. Co., Inc* v. *FCC,* 22 F.3d 320, 326 (D.C. Cir. 1994); *see also Mendoza* v. *Perez,* 754 F.3d 1002, 1023–24 (D.C. Cir. 2014); *Am. Hosp. Ass'n* v. *Bowen,* 834 F.2d 1037, 1047 (D.C. Cir. 1987). Following review of the public comments received on this IFR, DHS is now finalizing the IFR in this final rule and permanently adopting the provisions of the IFR without changes to those provisions. In addition, after thorough and careful consideration of the comments, DHS is adding additional forms to the registration table in 8 CFR 264.1(b). These forms relate to removal proceedings, similar to Form I–862, Notice to Appear, and reflect a level of direct interaction with DHS officers engaged in immigration enforcement including the collection of biometrics. DHS is also designating the CBP-approved documents or its electronic equivalent for the Trusted Traveler Programs NEXUS, SENTRI, FAST, and Global Entry as evidence of registration because these document holders undergo a complete application process and robust vetting by CBP. Finally, DHS is updating the existing regulation at 8 CFR 264.5(h) as the language is outdated and inconsistent with current USCIS approach of issuing temporary evidence of lawful or conditional permanent resident status, to avoid confusion. These changes are procedural only and do not change eligibility criteria or evidentiary standards, nor do those additions alter the rights and interests of parties or encode a substantive value judgment on a given type of private behavior.

In addition, after careful consideration of the comments, DHS also decided to make additional minor technical changes to 8 CFR 264.1, by updating the names of the registration forms listed at 8 CFR 264.1(a) and (b), and by making technical updates to 8 CFR 264.1(e) and 8 CFR 264.6. In addition, DHS is making editorial and procedural updates in 8 CFR 264.1(g) by removing redundant text, adding clarifying text, and addressing the outdated procedures specified in 8 CFR 264.1(g) related to photographs and the annotation of registration documents. These changes are also procedural in nature for the reasons described above. Moreover, DHS has good cause to make the changes without notice and comment.

An agency may forgo notice-and-comment rulemaking and a delayed effective date when the agency ''for good cause finds . . . that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.'' 5 U.S.C. 553(b)(B). In particular, notice-and-comment procedures are unnecessary if the matter addressed by the agency is minor and technical in nature so that it is not of particular interest to the public. *See Mack Trucks, Inc.* v. *EPA,* 682 F.3d 87, 94 (D.C. Cir. 2012) (''This prong of the good cause inquiry is 'confined to those situations in which the administrative rule is a routine determination, insignificant in nature and impact, and inconsequential to the industry and to the public''') (citing to *Util. Solid Waste Activities Grp.* v. *EPA,* 236 F.3d 749, 755 (D.C. Cir. 2001)).

DHS has for good cause found that notice-and-comment procedures are unnecessary here. Commenters indicated that the regulation is confusing because of outdated form names, such as Form I–590. Thus, USCIS is updating 8 CFR 264.1(a) and (b) by updating the listed form numbers and names to reflect the forms' correct number and current names. Some forms listed in 8 CFR 264.1 also no longer exist and can no longer be submitted to USCIS or DHS components, such as Form I–67, Inspection Record—Hungarian Refuges. DHS is therefore removing them to reduce confusion. Additionally, DHS is removing regulatory text that was superseded by legislative changes or is confusing, and DHS is also making grammatical or restructuring changes without changing the substantive nature of the provisions, such as in 8 CFR 264.1(e) related to fingerprint waivers, and 8 CFR 264.6.

These changes and updates are minor, procedural, and technical in nature and do not substantively impact the regulated public or change whether aliens are considered registered. The changes provide clarity about the applicability of the registration requirement, enhance the readability of the regulations, and are responsive to commenters' concerns. DHS is not required to engage in notice and comment under 5 U.S.C. 553 for these types of changes as they are covered by both the procedural rule exception under 5 U.S.C. 553(b)(A) and the good cause exemption of the APA at 5 U.S.C. 553(b)(B).

2. Delayed Effective Date

This final rule is also exempt from the APA's delayed effective date requirement under 5 U.S.C. 553(d)(3) because DHS has for good cause found that it is unnecessary to delay implementation of this final rule.[107]

Although the good cause exception for the 30-day effective date in 5 U.S.C. 553(d) mirrors the ''good cause'' language of 5 U.S.C. 553(b), the good cause exception from the 30-day effective date requirement is easier to meet because these provisions have different purposes. *See Riverbend Farms, Inc.* v. *Madigan,* 958 F.2d 1479, 1485 (9th Cir. 1992); *see also U.S. Steel Corp.* v. *EPA,* 605 F.2d 283, 289–90 (7th Cir. 1979) (good cause more easily found as to 30-day waiting period). Unlike the notice-and-comment requirement, which is designed to ensure public participation in rulemaking, the 30-day waiting period is intended to give affected parties time to adjust their behavior before the final rule takes effect. *See Riverbend Farms,* 958 F.2d at 1485. Additionally, under 5 U.S.C. 553(d)(1), the delay in effective date does not apply if the rule ''grants or recognizes an exemption or relieves a restriction.'' 5 U.S.C. 553(d)(1).

It is unnecessary to delay this final rule's effective date for multiple reasons. First and foremost, a delayed effective date is unnecessary because the IFR has been in effect since April 11, 2025. Additionally, the changes, such as prescribing additional forms that serve as evidence of registration in 8 CFR 264.1(b) alleviate the need for certain aliens to register by submitting Form G–325R and thus relieve a restriction. There is no need to give affected parties additional time to adjust their behavior before this final rule takes effect. Thus, a delayed effective date serves no purpose.

For the previously stated reasons, this final rule is effective immediately.[108]

[107] DHS also notes that the changes made by this rule do not render it a ''substantive rule'' within the meaning of 5 U.S.C. 553(d). The changes are not considered substantive for the same reasons that the rule qualifies as ''procedural'' with respect to notice-and-comment requirements. The rule adopts as final the IFR—which was itself a procedural rule—and makes technical changes to the names of forms.

[108] On February 21, 2025, the Secretary of State determined that all efforts, conducted by any agency of the Federal Government, to control the status, entry, and exit of people and the transfer of goods, services, data, technology, and any other items across the borders of the United States, constitutes a foreign affairs function of the United States under the APA, 5 U.S.C. 553. *See* 90 FR 49 (Mar. 14, 2025). The registration of aliens under section 262 of the INA thus relates to the foreign affairs function of the United States pursuant to 5 U.S.C. 553(a)(1) as outlined in the Secretary of States' determination and therefore, the APA's notice and public procedures, as well as any delayed effective date does not apply.

B. Executive Orders 12866, 13563 and 14192

Executive Order (E.O.) 12866 (Regulatory Planning and Review) and E.O. 13563 (Improving Regulation and Regulatory Review) direct agencies to assess the costs and benefits of available regulatory alternatives and, if a regulation is necessary, to select regulatory approaches that maximize net benefits. E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. E.O. 14192 (Unleashing Prosperity Through Deregulation) directs agencies to significantly reduce the private expenditures required to comply with Federal regulations and provides that ''any new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least 10 prior regulations.''

This rule has been designated a ''significant regulatory action'' under section 3(f) of E.O. 12866. Accordingly, the rule has been reviewed by OMB.

This rule is not an E.O. 14192 regulatory action because it is being issued with respect to an immigration-related function of the United States. The rule's primary direct purpose is to implement or interpret the immigration laws of the United States (as described in section 101(a)(17) of the INA, 8 U.S.C. 1101(a)(17)) or any other function performed by the U.S. Federal Government with respect to aliens. *See* OMB Memorandum M–25–20, ''Guidance Implementing Section 3 of E.O. 14192, titled 'Unleashing Prosperity Through Deregulation' '' (Mar. 26, 2025).

1. Summary

DHS is amending existing regulations to make available another method for aliens to comply with the alien registration requirements of the INA. The rule does not impose any new registration or fingerprinting obligations separate from the obligations already contained in the INA.

DHS has assessed the compliance costs and benefits of this rule as required by E.O.s 12866 and 13563. The direct costs of the rule include the opportunity cost of time to complete and file a registration form as well as the opportunity cost of time to submit biometrics. DHS and new registrants will incur compliance costs due to the activities from submitting forms and the collection of biometrics. DHS estimates current registration and biometrics submissions under this rule have cost aliens approximately $21.3 million.[109] The estimated burden to USCIS is $0.6 million from collecting and processing biometrics.

TABLE 2—SUMMARY OF ESTIMATED IMPACTS OF THE RULE, FY 2025

Summary of the change to provision	Expected impact of the rule
Amend existing regulations to make available another method for aliens to comply with the alien registration requirements of the INA.	*Quantitative:* *Benefits* • None. *Costs* • $21.3 million to aliens in registration costs. • $0.6 million to USCIS in biometric costs. *Qualitative:* *Benefits* • The rule is expected to result in increased alien registrations that are consistent with provisions of the INA *Costs* • Technical changes are expected to have a *de minimis* effect on costs • Indirect costs of the rule may include increased legal costs for those who choose to seek legal assistance and potential workforce impacts. Public comments identified these and other potential indirect effects, which are difficult to quantify.

Source: USCIS analysis.

TABLE 3—OMB A–4 ACCOUNTING STATEMENT

[$ millions, 2025]

Period of analysis: FY 2025					
Category	Primary estimate		Minimum estimate	Maximum estimate	Source citation (RIA, preamble, etc.)
BENEFITS					
Monetized Benefits	N/A				RIA
Annualized quantified, but unmonetized, benefits	N/A		N/A	N/A	RIA
Unquantified Benefits	The rule is expected to result in increased alien registrations that are consistent with provisions of the INA.				RIA
COSTS					
Annualized monetized costs (discount rate in parenthesis)	(7%) (3%)	$21.9 21.9	N/A N/A	N/A N/A	RIA RIA

[109] As of May 7, 2026.

of the regulatory changes and the estimated costs and benefits associated with the expected impacts.

TABLE 3—OMB A–4 ACCOUNTING STATEMENT—CONTINUED
[$ millions, 2025]

Period of analysis: FY 2025				
Category	Primary estimate	Minimum estimate	Maximum estimate	Source citation (RIA, preamble, etc.)
Annualized quantified, but un-monetized, costs	N/A			RIA
Qualitative (unquantified) costs	Technical changes are expected to have a *de minimis* effect on costs. Indirect costs of the rule may include increased legal costs for those who choose to seek legal assistance and potential workforce impacts. Public comments identified these and other potential indirect effects, which are difficult to quantify.			RIA
TRANSFERS				
Annualized monetized transfers: ''on budget''	N/A	N/A	N/A	RIA
From whom to whom?				RIA
Annualized monetized transfers: ''off-budget''	N/A	N/A	N/A	RIA
From whom to whom?				
Miscellaneous analyses/category	Effects			Source citation (RIA, preamble, etc.)
Effects on State, local, and/or Tribal governments	None.			RIA
Effects on small businesses	None.			RFA
Effects on wages	None.			RIA
Effects on growth	None.			RIA

2. Affected Population

As previously discussed, this rule provides another method for aliens to comply with the alien registration requirements of the INA. Affected aliens may have other options to comply in addition to this rule. The following estimate present a maximum potential population. In addition, the estimate does not consider the effect on the status of unregistered aliens from other DHS activities; such activities may have resulted in additional aliens being registered by other means (such as the issuance of Form I–862, Notice to Appear, and the I–863, Notice of Referral to Immigration Judge), or self-deporting from the United States.

In the IFR, DHS explained that the potential population impacted by the IFR included those who are currently unregistered and who may use the general registration form designated under this rule. DHS estimated the potential affected population to be between 2.9 million and 3.5 million,[111] after accounting for groups who have engaged with DHS and have previously filed one of the designated registration forms discussed in the preamble (requirements under 8 CFR 264.1(a) or 8 CFR 264.1(b)).[112] *See* 90 FR 11797 (Mar. 12, 2025). DHS explained that the affected population of those who remain in the United States for 30 days or longer includes, for instance:

- Aliens who are present in the United States without inspection and admission or inspection and parole and have not yet registered (*i.e.,* have not yet filed a registration form designated under 8 CFR 264.1(a), and do not have evidence of registration under 8 CFR 264.1(b)).
- Canadian visitors who entered the United States at land ports of entry and were not issued evidence of registration (*e.g.,* Form I–94).
- An alien, whether previously registered or not, who turns 14 years old in the United States and therefore must register within 30 days after their 14th birthday.

DHS also recognized there could be additional aliens subject to this rule in the future, and that relying on this estimate may somewhat overstate those who need to fully comply as aliens under 14 years of age are required to be registered but do not need to provide fingerprints. *See* 90 FR 11797 (Mar. 12, 2025).

As noted in the previous paragraph, this rule applies to Canadian visitors who entered the United States at land ports of entry and were not issued evidence of registration (*e.g.,* Form I–94).[113] This population is generally

[111] The 2.9 million to 3.5 million is the corrected estimate that is updated from the 2.2 million to 3.2 million in the IFR as the latter figures were an earlier estimate and did not include the estimated 500,000 Canadian visitors. DHS also notes that the estimate of annual filing volume of 1,400,000 respondents for purposes of the PRA and Form G-325R (and 779,600 for purposes of biometric services associated with Form G-325R) is different from the average of the estimated population discussed in this section. See 30-day **FEDERAL REGISTER** Notice for Form G-325R at 90 FR 38655. DHS uses a different method for estimating the average annual number of respondents for the information collection over the 3-year OMB approval of the control number, generally assuming more registrations may be expected to occur in year one than in later years. When the information collection request is nearing expiration, USCIS will update the estimates of annual respondents based on actual results in the submission to OMB. The PRA burden estimates are generally updated at least every 3 years. Thus, the PRA estimated annual respondents would be updated to reflect the actual effects of this rule within a relatively short period after this final rule takes effect.

[112] Estimate calculated by OHSS. This estimate does not include aliens who have already met one or more conditions for registration, and accounts for changes to the alien population from 2022 through 2024 as well as emigration and mortality rates. Other groups already considered registered for purposes of this analysis and not part of the affected population include those who have been issued an I-94 form, were paroled into the United States, were issued an EAD, or were issued an NTA in section 240 removal proceedings.

[113] Other populations would also likely choose to register using with the Form I-94 rather than the Form G-325R. These groups would need to enter at a land Port of Entry: bearers of a Mexican diplomatic or official passport who are military or civilian officials of the Federal Government of Mexico entering the United States for 6 months or less for a purpose other than on assignment as a permanent employee to an office of the Mexican Federal Government in the United States, and the official's spouse or any of the official's dependent family members under 19 years of age, bearing diplomatic or official passports, who are in the actual company of such official at the time of admission into the United States; nonimmigrant alien residing in the British Virgin Islands who is admitted solely to the U.S. Virgin Islands as a visitor for business or pleasure; and citizens of Bermuda entering the United States as B1/B2 visitors. DHS believes are relatively small

Continued

exempt from having to submit biometrics. DHS believes approximately 500,000 Canadians who arrive by land visit the United States for 30 days or longer each year.[114] These visitors may request Form I–94 from CBP during the admission process at the port of entry or apply for a provisional I–94 before entering the country to comply with the provisions of this rule.[115] However, if these aliens are in the country already, they will need to file Form G–325R but are not required to provide biometrics as a part of that process. Canadian visitors that are Trusted Traveler Program participants that enter as nonimmigrants at land POEs using Trusted Traveler Program processing (*e.g.,* lanes) to gain admission without I–94 issuance would not need to submit a Form G–325R under this final rule.

As of May 7, 2026, USCIS has accepted over 142,982 Form G–325R receipts in the ARR electronic form submission process through myUSCIS for individuals subject to this requirement.[116] 78,944 receipts were submitted by Canadians, approximately 55.2 percent.[117] There have been over 34,742 aliens scheduled for ASC appointments to collect biometrics and over 20,302 ASC appointments have been completed.[118] Approximately 93,318 registrations have been processed, and completed ASC appointments.[119] DHS uses the number of actual registrants to monetize the compliance costs for aliens who have registered and completed biometrics appointments under this rule.

3. Changes in the Final Rule

In this Final Rule, DHS has made technical and procedural changes after considering the comments received, most of these changes are not substantive and will enhance readability of the regulations by more accurately describing the current procedures.

A notable change in the Final Rule to 8 CFR 264.1(b) Evidence of registration, is the addition of CBP-approved documents or its electronic equivalent for the Trusted Traveler Programs NEXUS, SENTRI, FAST, and Global Entry. It's unknown how the addition of these CBP approved documents would impact the population estimate, but this could reduce the number of aliens who have to incur costs related to registration by submitting a form and biometrics.

3. Costs

DHS recognizes that there are costs to aliens to comply with registration requirements in the E.O. and the INA's alien registration provisions. The enforcement of related statutory provisions by Federal, State, and local governments, such as activities related to the prosecution for the willful failure of an alien to register under section 266 of the INA, 8 U.S.C. 1306, are separate from this rulemaking. Correspondingly, any broader potential indirect or secondary cost impacts on employers, businesses, institutions, the economy, communities, and persons throughout the United States would be a direct result of the policy choice made by Congress when requiring aliens who are in the United States to register. However, DHS has considered the possibility that this rule, perhaps in combination with other policies, could have some of the indirect effects described above. We do not have sufficient information to quantify these effects.

DHS also recognizes the agency will incur costs related to processing forms and biometrics; these costs are considered later in this section. DHS similarly assesses the benefits in the following section.

(a) Registration Burden

Compliance costs to aliens may include the time to complete and file a registration form, as well as time spent traveling to an ASC, submitting fingerprints, and record retention. There is currently no fee for applicants to file the prescribed form or to submit biometrics, but applicants take on the burden of time to complete both, if biometrics are required.[120] We use the estimated mean travel time and distance to an ASC that is frequently used in USCIS rules. *See* 78 FR 535 (Jan. 3, 2013). This will result in an overestimate of the burden for some registrants and an underestimate for others. The total filing burden for new registrations will include the cost of time to submit biometrics and the time burden of registration using Form G–325R.

Additional compliance with registration obligations will also result in more aliens needing to maintain evidence of registration. Aliens may also spend some marginal amount of time to become familiar with the process and specific steps they should take to be compliant.

This final rule has the potential impact of increasing the biometric activities for DHS, such as additional FBI Name checks, fingerprinting, and support from ASC locations. The biometrics activities are estimated to cost approximately $30 per applicant. This is a cost to the agency and will be discussed later in this section.

Many of the costs associated with the IFR are opportunity costs of time. We measure an alien's opportunity cost of time by estimating their expected hourly total compensation. For the affected population, we use the mean hourly wage of all occupations ($32.66).[121] To estimate total compensation we multiply the expected wage by the compensation to wage ratio for civilian employees (1.46).[122] This results in an estimated mean hourly total compensation of $47.68.[123]

Compliance costs to aliens include the time to complete and file a registration form, as well as time spent traveling to an ASC, submitting fingerprints, and record retention. To estimate the costs to complete and file Form G–325R, we include time burden of 2.5 hours to complete and submit the form.[124] The opportunity cost of time to

populations and thus would little impact on the scale of the cost of this rule.

[114] OHSS Estimate of Population.

[115] Most Canadian citizens visiting or in transit through the United States do not need a Form I-94 but for those seeking to register upon entry, they may seek one. *See* U.S. Customs and Border Protection, ≥I-94/I-95 Website Travel Record for U.S. Visitors,≥ OMB No. 1651–0111, *https://i94.cbp.dhs.gov/home.*

[116] Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Performance and Quality, ELIS, queried 05/2026, PAER0021329.

[117] Calculation: 78,944 Canadian receipts/142,982 total receipts = 0.552 (rounded) or approximately 55.2 percent.

[118] ibid.

[119] ibid.

[120] The respondent burden to file Form G–325R is discussed in the IFR at 90 FR 11793 (Mar. 12, 2025) and Paperwork Reduction Act Notice at 90 FR 38655 (August 11, 2025).

[121] *See* Bureau of Labor Statistics, U.S. Department of Labor (DOL), ''Occupational Employment and Wages News Release—Occupational Employment and Wages—May 2024'' Table 1. National employment and wage data from the Occupation employment and Wage Statistics survey by occupation, May 2024. All Occupations—Mean Hourly Wage, *https://www.bls.gov/news.release/archives/ocwage_04022025.htm* (last updated Apr. 2, 2025).

[122] *See* Bureau of Labor Statistics, DOL, Economic News Release, ''Employer Costs for Employee Compensation for civilian workers by occupation and industry group,'' Table 2 (last updated Sept. 12, 2025), *https://www.bls.gov/news.release/archives/ecec_09122025.pdf.*

Calculation: $48.05 total compensation for civilian workers/$33.02 wages and salaries for civilian workers = 1.46 (rounded) compensation-to-wage ratio.

[123] *Calculation:* $32.66 mean hourly wage for all occupations * 1.46 compensation-to-wage ratio = $47.68 (rounded) estimated mean total compensation.

[124] Since publication of the IFR, USCIS made non-rule related changes to Form G–325R that are unrelated to the final rule, in accordance with 5 CFR 1320.12, as this information collection is already covered in existing regulation under the INA and 8 CFR part 264. The non-rule related changes resulted in an increase to the estimated time burden to submit Form G–325R from 0.67 hours to 2.5 hours. This is an increase of 1.83 hours

complete the form is $119.20 at the total compensation rate.[125]

To estimate the costs of submitting biometrics, we consider the time burden to submit biometrics, the time burden to travel to and from an ASC, and the vehicle costs of traveling to and from an ASC. The estimated time burden to submit biometrics is 1.17 hours.[126] The estimated opportunity cost of time to submit biometrics is $55.79.[127] The estimated average travel distance to and from an ASC is 50 miles; the expected total travel time is 2.5 hours.[128] The estimated opportunity cost of time to travel to and from an ASC is $119.20.[129] The vehicle costs of traveling to and from an ASC are based on the General Service Administration's per mile reimbursement rate for traveling in a privately owned vehicle—currently $0.70 per mile.[130] The estimated vehicle costs of traveling to and from an ASC are $35.00.[131] The estimated cost to submit biometrics at an ASC is $209.99.[132] Table 4 provides a breakdown of these costs.

TABLE 4—COSTS TO UNAUTHORIZED ALIENS TO SUBMIT BIOMETRICS

Type of cost	Monetary value of cost
Opportunity cost of time to travel to an ASC	$119.20
Opportunity cost of time to submit biometrics	55.79
Vehicle costs of traveling to an ASC	35.00
Total	209.99

Source: USCIS analysis.

The estimated total per person compliance cost to register and submit biometrics is $329.19.[133] To monetize the compliance costs for those who have registered and completed biometrics appointments we apply the unit costs to the number of actual registrants, this includes the population of ARR electronic form submissions, and completed ASC appointments as of May 2026.[134] Registrants' opportunity cost of time is estimated at $17.0 million while the opportunity cost of time for those who submitted biometrics is estimated at $4.3 million.[135] The estimated total cost to aliens is approximately $21.3 million as of May 2026.[136]

The IFR increased biometric activities for DHS, including additional FBI Name checks, fingerprinting, and support from ASC locations. The biometrics activities are estimated to cost approximately $30 per applicant.[137] USCIS is not currently charging a filing fee to file Form G–325R to cover these costs. The decision not to assign a registration fee or require payment to for biometrics collection could be reconsidered during a future fee review process or in another future regulatory action by DHS. For the 20,302 ASC appointments that have been completed, the estimated burden to the Agency is $0.6 million.[138] The total estimated cost of the rule is approximately $21.9 million.[139]

(b) Final Rule Impacts Relative to IFR

This final rule does not change any of the impacts relative to the IFR.

The final rule implements technical changes relative to the IFR. These technical changes are expected to have *de minimis* effects. These changes clarify existing regulatory language or codify current practice.

The other regulatory changes made in this rule may reduce, to some extent, the population of aliens that may register via the Form G–325R under the IFR.[140] Due to factors contributing to a high degree of uncertainty, DHS cannot estimate the number of applicants who will be affected by this rule. These factors include, but are not limited to, increased immigration enforcement, reduced border crossings, and changing international travel behavior.

As noted previously, we do not have an estimate of these visitors who are currently in the country and, therefore, would need to submit Form G–325R instead of Form I–94 to register. Our estimate of an upper bound on the additional burden assumes each of the 500,000 Canadian visitors submits a Form G–325R but would not need to submit biometrics. Therefore, the upper bound estimate for these visitors is $59.6 million.[141] The changes to Form G–325R will not affect Canadian visitors who file a Form I–94 prior to entering the United States.

4. Benefits

The benefit of this rule is the designation of a general registration form option that will improve registration outcomes for aliens, consistent with the requirements of the alien registration provisions of the INA. This final rule provides a registration form available to all unregistered aliens regardless of their status.

The final rule is also expected to improve DHS law enforcement efficacy because law enforcement personnel

per alien registrant. The estimated time burden to file Form G–325R can be found in Supporting Statement A submitted with the revision package to OMB on August 22, 2025 at *https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=202508-1615-002.*

[125] *Calculation:* 2.5 hours to file Form G–325R * $47.68 mean hourly post-transfer compensation for all occupations = $119.20 (rounded) opportunity cost of time to file Form G–325R.

[126] The estimated time burden to file Form G–325R can be found in Supporting Statement A submitted with the revision package to OMB on August 22, 2025 at *https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=202508-1615-002.*

[127] *Calculation:* 1.17 hours to submit biometrics * $47.68 mean hourly post-transfer compensation = $55.79 (rounded) opportunity cost of time to submit biometrics.

[128] These are the same parameters used in other USCIS rules. *See, e.g.,* ''Provisional Unlawful Presence Waivers of Inadmissibility for Certain Immediate Relatives,'' 78 FR 536, 578 (Jan. 3, 2013).

[129] *Calculation:* 2.5 hours to travel to and from an ASC * $47.68 mean hourly post-transfer compensation = $119.20 (rounded) opportunity cost of time to travel to and from an ASC.

[130] For use of a privately owned automobile, see General Services Administration, ''Privately Owned Vehicle (POV) Mileage Reimbursement Rate,'' *https://www.gsa.gov/travel/plan-book/transportation-airfare-pov-etc/privately-owned-vehicle-pov-mileage-reimbursement-rates* (last updated Dec. 30, 2024).

[131] *Calculation:* $0.70 cost per vehicle mile * 50 miles to and from an ASC = $35.00 vehicle costs to travel to and from an ASC.

[132] *Calculation:* $35 vehicle costs to travel to and from an ASC + $119.20 opportunity cost of time to travel to and from an ASC + $55.79 opportunity cost of time to submit biometrics = $209.99 to submit biometrics at an ASC.

[133] *Calculation:* $119.20 to file Form G–325R + $209.99 to submit biometrics at an ASC = $329.19 to register and submit biometrics.

[134] Department of Homeland Security, U.S. Citizenship and Immigration Services, Office of Performance and Quality, ELIS, queried 05/2026, PAER0021329..

[135] *Calculations:* $119.20 to file Form G–325R * 142,982 receipts = $17,043,454 (rounded) or $17.0 million opportunity cost of time to register.

Calculation: $209.99 to submit biometrics at an ASC * 20,302 completed ASC appointments = $4,263,217 (rounded) or $4.3 million costs to submit biometrics at an ASC.

[136] *Calculation:* $17.0 million opportunity cost of time + $4.3 million cost to submit biometrics = $21.3 million.

[137] *See* 90 FR 11793, 11796 (Mar. 12, 2025).

[138] *Calculation:* $30 to process biometrics for Form G–325R * 20,302 completed ASC appointments = $609,060 or $0.6 million to process biometrics for Form G–325R.

[139] *Calculation:* $21.3 million costs to submit Form G–325R and biometrics + $0.6 million to process biometrics = $21.9 million.

[140] USCIS made 5 CFR 1320.12 non-rule form related changes to Form G–325R that are unrelated to the changes made to the rule between the IFR and the final rule, in accordance with 5 CFR 1320.12, as this information collection is already covered in existing regulation under the INA and 8 CFR part 264. This increased the estimated time burden to submit Form G–325R from 0.67 hours to 2.5 hours. This is an increase of 1.83 hours per alien registrant.

[141] *Calculation:* 500,000 Canadian visitors * $119.20 opportunity cost of time of 2.5 hours to submit Form G–325R = $59.60 million (rounded) additional burden to submit Form I–94 for Canadian visitors.

would have access to more comprehensive registration data. In addition, increased compliance with fingerprinting requirements would provide DHS with additional information about an alien's criminal record, including whether the alien is a known or suspected terrorist. When DHS has more information about potential targets of law enforcement, it can make more efficient use of law enforcement resources and better protect public safety and officer safety.

C. Regulatory Flexibility Act

The RFA (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), requires an agency to prepare and make available to the public a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.,* small businesses, small organizations, and small governmental jurisdictions). The RFA's regulatory flexibility analysis requirements apply only to those rules for which an agency is required to publish a general NPRM pursuant to 5 U.S.C. 553 or any other law. *See* 5 U.S.C. 604(a). DHS did not issue an NPRM for this action. Therefore, a regulatory flexibility analysis is not required for this rule. Nonetheless, DHS has determined that this rule will not have a significant economic impact on a substantial number of small entities. This rule directly regulates individual aliens. However, the RFA's regulatory flexibility analysis requirements apply only to small entities subject to the requirements of the rule.[142] The individual aliens subject to the requirements of this rule are not small entities as defined in 5 U.S.C. 601(6). Accordingly, DHS certifies that this rule does not have a significant economic impact on a substantial number of small entities.

D. Unfunded Mandates Reform Act of 1995

UMRA is intended, among other things, to curb the practice of imposing unfunded Federal mandates on State, local, and Tribal governments. Title II of UMRA requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed rule, or final rule for which the agency published a general NPRM, that includes any Federal mandate that may result in a $100 million or more expenditure (adjusted annually for inflation) in any one year by State, local, and Tribal governments, in the aggregate, or by the private sector.[143] The inflation adjusted value of $100 million in 1995 was approximately $206 million in 2024 based on the Consumer Price Index for All Urban Consumers (CPI–U).[144] No written statement is required here, because DHS did not issue a general NPRM in connection with this rule. In addition, this final rule does not contain a Federal mandate as the term is defined under UMRA.[145] The requirements of title II of UMRA, therefore, do not apply, and DHS has not prepared a statement under UMRA.

E. Small Business Regulatory Enforcement Fairness Act of 1996 (Congressional Review Act)

This final rule is not a ''rule'' as defined by the Congressional Review Act, enacted as part of the SBREFA, Public Law 104–121. *See* 5 U.S.C. 804(3)(C) (defining the term ''rule'' to exclude ''any rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of non-agency parties''). DHS will nonetheless submit this final rule to both houses of Congress and the Comptroller General before the rule takes effect.

F. Executive Order 13132 (Federalism)

This rule does not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of E.O. 13132, Federalism, 64 FR 43255 (Aug. 4, 1999), this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

G. Executive Order 12988 (Civil Justice Reform)

This final rule was drafted and reviewed in accordance with E.O. 12988, Civil Justice Reform. This final rule was written to provide a clear legal standard for affected conduct and was reviewed carefully to eliminate drafting errors and ambiguities, so as to minimize litigation and undue burden on the Federal court system. DHS has determined that this final rule meets the applicable standards set forth in section 3 of E.O. 12988.

H. Executive Order 13175 (Consultation and Coordination With Indian Tribal Governments)

This final rule does not have Tribal implications under E.O. 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

I. Family Assessment

DHS has assessed this final action in line with section 654 of the Treasury General Appropriations Act, 1999.[146] Accordingly, DHS has systematically reviewed the criteria specified by section 654(c)(1), by evaluating whether this regulatory action: (1) impacts the stability or safety of the family, particularly in terms of marital commitment; (2) impacts the authority of parents in the education, nurture, and supervision of their children; (3) helps the family perform its functions; (4) affects disposable income or poverty of families and children; (5) only financially impacts families, if at all, to the extent such impacts are justified; (6) may be carried out by State or local government or by the family; or (7) establishes a policy concerning the relationship between the behavior and personal responsibility of youth and the norms of society. If the agency determines that regulation may negatively affect family well-being, then the agency must provide an adequate rationale for its implementation.

As articulated in the IFR, DHS has determined that the implementation of this regulation will not negatively affect family well-being and will not have any impact on the autonomy and integrity of the family as an institution.

[142] 142 U.S. Small Business Administration, ''A Guide for Government Agencies: How to Comply with the Regulatory Flexibility Act'' at 22 (Aug. 2017), *https://advocacy.sba.gov/wp-content/uploads/2019/07/How-to-Comply-with-the-RFA-WEB.pdf.*

[143] *See* 2 U.S.C. 1532(a).

[144] *See* BLS, ''Historical Consumer Price Index for All Urban Consumers (CPI–U): U.S. city average, all items, by month,'' *https://www.bls.gov/cpi/tables/supplemental-files/historical-cpi-u-202412.pdf* (last visited June 23, 2025). Calculation of inflation: (1) Calculate the average monthly CPI–U for the reference year (1995) and the current year (2024); (2) Subtract reference year CPI–U from current year CPI–U; (3) Divide the difference of the reference year CPI–U and current year CPI–U by the reference year CPI–U; (4) Multiply by 100 = [(Average monthly CPI–U for 2024–Average monthly CPI–U for 1995) ÷ (Average monthly CPI–U for 1995)] × 100 = [(313.689 − 152.383) ÷ 152.383] = (161.306/152.383) = 1.0586 × 100 = 105.86 percent = 106 percent (rounded). Calculation of inflation-adjusted value: $100 million in 1995 dollars × 2.06 = $206 million in 2024 dollars.

[145] The term ''Federal mandate'' means a Federal intergovernmental mandate or a Federal private sector mandate. *See* 2 U.S.C. 1502(1), 658(6).

[146] Public Law 105–277, 112 Stat. 2681 (Oct. 21, 1998).

J. National Environment Policy Act

DHS and its components analyze final actions to determine whether the National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.,* applies and, if so, what degree of analysis is required. DHS Directive 023–01, Rev. 01 ''Implementing the National Environmental Policy Act'' (Directive 023–01) and ''Instruction Manual 023–01–001–01 Revision 01, Implementation of the National Environmental Policy Act'' (Instruction Manual)[147] established the policies and procedures that DHS and its components use to comply with NEPA and the Council on Environmental Quality regulations for implementing NEPA.

NEPA allows Federal agencies to establish, in their NEPA implementing procedures, categories of actions (''categorical exclusions'') that experience has shown do not, individually or cumulatively, have a significant effect on the human environment and, therefore, do not require an environmental assessment or environmental impact statement.[148] The Instruction Manual, Appendix A lists the DHS Categorical Exclusions.[149]

Under DHS NEPA implementing procedures, for an action to be categorically excluded, it must satisfy each of the following three conditions: (1) the entire action clearly fits within one or more of the categorical exclusions; (2) the action is not a piece of a larger action; and (3) no extraordinary circumstances exist that create the potential for a significant environmental effect.[150]

This final rule responds to public comments provided in response to the IFR, adopts the IFR as final, amends the regulations to adjust the lists of forms and processes that may serve as registration forms and evidence of alien registration under 8 CFR 264.1(a) and (b) and seeks comments on other potential changes to the regulations relating to alien registration and fingerprinting under 8 CFR 264.1(e) that may be completed in a future regulatory action. This final rule also makes minor and technical changes to 8 CFR 264.1(e), 264.5, and 264.6. This final rule is strictly administrative and procedural. DHS has reviewed this final rule and finds that no significant impact on the environment, or any change in environmental effect will result from the amendments being promulgated in this final rule.

Accordingly, DHS finds that the promulgation of this final rule's amendments to current regulations clearly fits within categorical exclusion A3 established in DHS's NEPA implementing procedures as an administrative change with no change in environmental effect, is not part of a larger Federal action, and does not present extraordinary circumstances that create the potential for a significant environmental effect. Therefore, the regulatory amendments are categorically excluded from further NEPA review.

K. Paperwork Reduction Act

Under the PRA, 44 U.S.C. 3501–3512, DHS must submit to OMB for review and approval, any reporting requirements inherent in a rule, unless they are exempt. This rule does not impose any new reporting or recordkeeping requirements under the PRA.

However, this rule requires the use of USCIS Form G–325R, Biographic Information (Registration). This form has previously been approved by OMB under the PRA. The OMB control number for this information collection is 1615–0166. DHS requested comments on the OMB-approved Form G–325R for the purposes of the 60-day **Federal Register** notice under the PRA, 44 U.S.C. 3501 *et seq. See* 90 FR 11793, 11799 (Mar. 12, 2025). The comment period for purposes of the PRA ended on May 12, 2025. Any public comment received on Form G–325R in response to the 60-day **Federal Register** notice has been responded to in the 30-day **Federal Register** notice published for purposes of obtaining OMB approval of USCIS' request for extension and revision of Form G–325R[151] on August 11, 2025, at 90 FR 38655.

List of Subjects in 8 CFR Part 264

Aliens, Reporting and recordkeeping requirements.

Accordingly, for the reasons set forth in the preamble, DHS amends 8 CFR part 264 as follows:

PART 264—REGISTRATION AND FINGERPRINTING OF ALIENS IN THE UNITED STATES

■ 1. The authority citation for part 264 continues to read as follows:

Authority: 8 U.S.C. 1103, 1201, 1302–1305; 8 CFR part 2.

■ 2. Section 264.1 is amended by:
■ a. Revising and republishing paragraphs (a) and (b);
■ b. Revising paragraph (e);
■ c. Revising and republishing the heading and the introductory text of paragraph (g); and
■ d. Revising paragraph (g)(1).

The revisions read as follows:

§ 264.1 Registration and fingerprinting.

(a) *Prescribed registration forms.* The following forms are prescribed as registration forms:

Form No. and Class

G–325R, Biographic Information (Registration), or its successor form.

I–94/94A/94W, Arrival-Departure Record—Aliens admitted as nonimmigrants; aliens paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act; aliens lawfully admitted to the United States for permanent residence who have not been registered previously; aliens who are granted permission to depart without the institution of deportation or removal proceedings or against whom deportation or removal proceedings are being instituted.

I–95, Crewmen's Landing Permit—Crewmen arriving by vessel or aircraft.

I–181, Memorandum of Creation of Record of Lawful Permanent Residence—Aliens born to an alien lawfully admitted for permanent residence during a temporary visit abroad admitted without a visa under 8 CFR 211.1(b).

I–485, Application to Register Permanent Residence or Adjust Status, or its predecessor or successor form—Applicants under sections 245 and 249 of the Immigration and Nationality Act as amended, and section 13 of the Act of September 11, 1957.

I–590, Registration for Classification as Refugee or its successor form, or its predecessor form—Applicants under section 207 of the INA and Refugee-escapees paroled pursuant to section 1 of the Act of July 14, 1960.

I–687, Application for Status as a Temporary Resident—Applicants under section 245A of the Immigration and Nationality Act, as amended.

I–698, Application to Adjust Status from Temporary to Permanent

[147] The Instruction Manual contains DHS's procedures for implementing NEPA and was issued on November 6, 2014, *https://www.dhs.gov/ocrso/eed/epb/nepa* (last updated July 29, 2025).

[148] *See* 42 U.S.C. 4336(a)(2), 4336e(1).

[149] *See* Instruction Manual, Appendix A, Table 1.

[150] Instruction Manual 023–01 at V.B(2)(a) through (c).

[151] DHS had requested, and OMB approved Form G–325R on an emergency review basis pursuant to 44 U.S.C. 3507(j) and 5 CFR 1320.13, on March 5, 2025. *See* Notice of Action for OMB Control Number 1615–0166 (Mar. 5, 2025), *https://www.reginfo.gov.* The information collection was submitted to OMB on August 22, 2025 and is pending OMB approval.

Resident—Applicants under section 245A of the Immigration and Nationality Act, as amended.

I–817, Application for Family Unity Benefits or its successor form, or its predecessor form.

(b) *Evidence of registration.* The following forms constitute evidence of registration:

Form No. and Class

I–94/94A/94W, Arrival-Departure Record—Aliens admitted as nonimmigrants; aliens paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act; and aliens granted permission to depart without the institution of deportation or removal proceedings.

I–95, Crewmen's Landing Permit—Crewmen arriving by vessel or aircraft.

I–184, Alien Crewman Landing Permit and Identification Card—Crewmen arriving by vessel.

DSP–150, B–1/B–2 Visa and Border Crossing Card or its successor form, or its predecessor form—Citizens of Mexico residing in Mexico.

I–221, Order to Show Cause and Notice of Hearing—Aliens against whom deportation proceedings are being instituted.

I–221S, Order to Show Cause, Notice of Hearing, and Warrant for Arrest of Alien—Aliens against whom deportation proceedings are being instituted.

I–551, Permanent Resident Card—Lawful permanent resident of the United States.

I–766, Employment Authorization Document.

I–860, Notice and Order of Expedited Removal—Aliens who have been determined to be inadmissible under section 212(a)(6)(C) or (7) of the Immigration and Nationality Act, as amended, and ordered removed under section 235(b)(1) of the Immigration and Nationality Act, as amended.

I–862, Notice to Appear—Aliens against whom removal proceedings are being instituted.

I–863, Notice of Referral to Immigration Judge—Aliens against whom removal proceedings are being instituted.

I–871, Notice of Intent/Decision to Reinstate Prior Order—Aliens who reentered the United States illegally and whose prior order of removal has been reinstated under section 241(a)(5) of the Immigration and Nationality Act, as amended.

USCIS Proof of Alien G–325R Registration, or its successor form.

CBP-approved document or its electronic equivalent for the Trusted Traveler Programs NEXUS, SENTRI, FAST, and Global Entry—Aliens who were last admitted to the United States through NEXUS, SENTRI, FAST, or Global Entry facilitated processing.

* * * * *

(e) *Fingerprinting waiver.* (1) Fingerprinting is waived for nonimmigrant aliens admitted as NATO representatives, officers, and employees pursuant to 8 CFR 214.2(s)(1)(i)(A) and (B) (excluding the attendants, servants, or personal employees of such nonimmigrants under 8 CFR 214.2(s)(1)(i)(C)) while they maintain such nonimmigrant status.

(2) Fingerprinting is waived for aliens who are holders of diplomatic visas as defined in section 101(a)(11) of the Act and 22 CFR 41.26(a)(2) (other than those issued under section 101(a)(15)(A) and (G) of the Act who are exempt from the registration and fingerprinting requirements under section 263(b) of the Act) admitted on the basis of such visas while they maintain such nonimmigrant status.

(3) Fingerprinting is waived for nonimmigrant aliens, while they maintain nonimmigrant status, who are nationals of countries which do not require fingerprinting of United States citizens temporarily residing therein.

(4) Fingerprinting is waived for every nonimmigrant alien not included in paragraphs (e)(1) through (3) of this section who departs from the United States within one year of his or her admission, provided he or she maintains his or her nonimmigrant status during that time; each such alien not previously fingerprinted shall apply therefor at once if he or she remains in the United States in excess of 1 year.

(5) Every nonimmigrant alien not previously fingerprinted shall apply therefor at once upon his or her failure to maintain his or her nonimmigrant status.

* * * * *

(g) *Registration and fingerprinting of children who reach age 14.* Within 30 days after reaching the age of 14, any alien in the United States not exempt from alien registration under the Act and this chapter, or otherwise by law, must apply for registration and fingerprinting, unless fingerprinting is waived under paragraph (e) of this section, in accordance with applicable form instructions.

(1) *Permanent residents.* If such alien is a lawful permanent resident of the United States and is temporarily absent from the United States when he or she reaches the age of 14, he or she must apply for registration within 30 days of his or her return to the United States in accordance with applicable form instructions and with the fee specified in 8 CFR 106.2 to replace a permanent resident card The alien must surrender any prior evidence of alien registration, and USCIS will issue the alien new evidence of alien registration.

* * * * *

■ 3. Section 264.5 is amended by revising paragraph (h) to read as follows:

§ 264.5 Application for a replacement Permanent Resident Card.

* * * * *

(h) *Temporary evidence of registration.* USCIS may issue temporary evidence of registration and lawful permanent resident status to a lawful permanent resident or conditional permanent resident alien who has properly filed an application for a replacement permanent resident card or for naturalization, petitioned for the removal of the conditions on his or her residence using the form prescribed by USCIS, or as otherwise determined by USCIS in accordance with the form instructions. The alien must surrender such temporary evidence upon receipt of his or her permanent resident card, unless that temporary evidence was placed by USCIS into the alien's passport.

* * * * *

■ 4. Section 264.6 is amended by revising paragraphs (a) to read as follows:

§ 264.6 Application for a nonimmigrant arrival-departure record.

(a) *Eligibility.* USCIS may issue a new or replacement arrival-departure record to a nonimmigrant who:

(1) Seeks to replace a lost or stolen record;

(2) Seeks to replace a mutilated record; or

(3) Was not issued an arrival-departure record pursuant to 8 CFR 235.1(h)(1)(i), (iii), (iv), or (v) when last admitted as a nonimmigrant, and has not since been issued such record but now requires one.

* * * * *

Markwayne Mullin,

Secretary, U.S. Department of Homeland Security.

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