

**Update on Immigration Registration Requirement  
February 27, 2025**

The University of California (UC) Immigrant Legal Services Center writes to update UC campus partners about a February 24, 2025, announcement by the U.S. Department of Homeland Security (DHS) Secretary, Kristi Noem. The announcement states DHS' intention to enforce penalties against certain non-U.S. citizens that do not register their presence in the United States with one of DHS' component agencies, the U.S. Citizenship and Immigration Service (USCIS). This document provides information about laws governing this registration requirement, and what we know today about to whom and how it may apply, if implemented.

Significantly, this remains an announcement. No new process has been created by DHS. Our team will continue to monitor this issue closely and will provide more information as it becomes available.

**What is the Registration Requirement?**

The registration requirement refers to provisions under existing immigration law<sup>1</sup> that impose civil and criminal penalties<sup>2</sup> (including misdemeanor prosecution) for non-U.S. citizens that did not register with the U.S. government when they applied to enter or lawfully entered the United States.

Despite the serious penalties that can be imposed under the law, there is currently no uniform process for non-citizens to register with the U.S. government. In fact, for decades, undocumented immigrants were unable to register under the law, as registration has only been available for people who qualified for some kind of authorized immigration status.

**Who does Registration apply to?**

The law requires all noncitizens who are 14 years old or older, have not already registered by applying for a visa, and stay in the U.S. for 30 days or more to apply for registration and be fingerprinted within those 30 days.<sup>3</sup> Noncitizens under the age of 14 must be registered by a parent or legal guardian.<sup>4</sup>

The regulations exempt some noncitizens, including those who have already been registered through available processes, such as those who applied for a visa from a consular office abroad. Other noncitizens are considered to have registered if they filed a qualifying immigration application with the government. The governing regulation provides a list of immigration "registration" forms that would

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<sup>1</sup> See 8 U.S. Code 1302 (Immigration and Nationality Act (INA) section 262).

<sup>2</sup> See 8 U.S.C. sections 1306(a) and 1304; and 8 C.F.R. 264.1.

<sup>3</sup> See 8 U.S.C. 1302

<sup>4</sup> *Id.*

qualify as having registered.<sup>5</sup>

Notably, Lawful Permanent Residents (“green card” holders) are part of the group that is considered to have already registered due to becoming a lawful permanent resident. Additionally, those that have successfully applied for and received a visa and traveled to the United States and were issued the I-94 are also considered registered.

### **Will DACA recipients be required to register?**

It is unclear if DACA recipients will be required to register or are already considered registered. The regulations governing registry differentiate between which immigration forms qualify as registration forms and which qualify as evidence of registration. Many immigration forms, like those used to apply for DACA, Temporary Protected Status (TPS), U and T nonimmigrant visa forms are not listed under the immigration forms that qualify for registration. However, Form I-766 (work permit card) is listed as proof of registration. Virtually all DACA recipients have a work permit, so it is possible that DHS may accept a DACA recipient’s employment authorization document as proof of registration, but it is still unclear at this time.

### **Has the Registration Requirement been applied before?**

Yes, the registration requirement has been used before, and its application has been controversial including because it has been used to target communities by race and nationality.

In 1940, Congress passed the Alien Registration Act, a wartime registration law designed to identify and expel “political subversives” from the United States. The Act required virtually all noncitizens to register and be fingerprinted with the federal government by registering in person at post offices around the nation. Then, in 1952, Congress put into effect a new provision requiring all registrants to carry their registration receipt cards at all times.

The most recent example of registration is the National Security Entry-Exit Registration System (NSEERS), a post 9/11 program that targeted noncitizens from 24 Muslim-majority countries and North Korea for registration and tracking. Under this program, the government forced 83,000 people to register with NSEERS and placed 13,000 of them in deportation proceedings. NSEERS had devastating consequences for communities, including heightened racial profiling, separation of families, and deportations.

### **What are the potential consequences of enforcing the registration requirement?**

If enforced, this law would criminalize people for being undocumented. Advocates are concerned that this will facilitate the deportation of millions of people and result in further separations of families.

### **How can communities prepare for the possible enforcement of the registration requirement?**

As of February 27, 2025, DHS has not created a new process for noncitizens to register. This remains an announcement and there is no way for noncitizens to register unless they are applying for a visa from abroad or pursuing other immigration applications that qualify for registry. We recommend that people wait for more information.

Community members that have documents that show their registration may want to consider carrying a

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<sup>5</sup> See 8 CFR 264.1

copy, including I-94 (arrival departure record); I-551 (permanent resident card); I-766 (employment authorization document); I-862 (notice to appear).

**When will the registration requirement go into effect?**

As of February 27, 2025, it is unclear when the process will go into effect. Some legal experts say that it is possible that DHS will need to issue a Federal Register notice and provide a comment period before the registration process can be finalized. This may take weeks, or months, before the registration process is available to the general public. As indicated above, we are monitoring the situation and will provide updates as soon as we learn of them.

**How to Get in Touch with Us with Further Questions**

Please contact our management team if you have additional questions.

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