

IMMIGRATION INFORMATION MEMO

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New Rule Requiring Foreign National Registration – Who Does it Affect?

On April 11, 2025, a new rule went into effect in which the United States government will start to strictly enforce the requirement that foreign nationals register their presence with U.S. Citizenship and Immigration Services (USCIS) and be fingerprinted if they remain in the United States for 30 days or longer.

Since the 1940s, U.S. Immigration law has required all aliens 14 years of age or older (with certain limited exceptions) who remain in the United States for 30 days or longer to register their presence in the United States and to be fingerprinted, if they were not already fingerprinted when applying for a U.S. visa.¹ Most foreign nationals who visit the United States have complied with this requirement through the visa application process, the permanent residence application process, or the Electronic System for Travel Authorization (ESTA) entry process. USCIS will now start enforcing this requirement for those individuals who have not gone through these registration processes. The two main groups who have not gone through these registration processes and are primarily affected by the new rule are: (1) Canadians who enter through land ports-of-entry and are not required to obtain visas to enter the United States; and (2) foreign nationals who entered the United States before they turned 14 and who have remained in the United States after turning 14.

On March 12, 2025, pursuant to President Trump's January 20, 2025 *Protecting the American People Against Invasion* executive order directing the U.S. Department of Homeland Security (DHS) to ensure compliance with the alien registration requirement, DHS issued an Interim Final Rule (IFR)² that (1) requires all aliens 14 or over in the U.S. for 30 days or longer to register their physical presence in the U.S. and provide their fingerprints (if they have not already done so), (2) creates a new online registration system and (3) establishes significant penalties for failure to register. These new requirements and systems went into effect on April 11, 2025.

This article discusses who is and who is not affected by this IFR, how to comply with the IFR, and the consequences of failing to do so.

Who Does Not Need to Register?

Most nonimmigrant and immigrant visa holders are not required to undertake this physical presence registration process and be fingerprinted under the IFR because they have already complied with these requirements through the visa application and ESTA travel authorization process. The groups of individuals who are not required to register include the following:

¹ The current law, Section 262 of the Immigration and Nationality Act (INA) (8 U.S.C. 1302), was enacted in 1952.

² <https://www.federalregister.gov/documents/2025/03/12/2025-03944/alien-registration-form-and-evidence-of-registration#:~:text=DATES%3A-,Effective%20date%3A%20This%20IFR%20is%20effective%20April%2011%2C%202025.,received%20by%20April%2011%2C%202025>

- Foreign nationals staying in the United States fewer than 30 days;
- Lawful permanent residents;
- Nonimmigrants who were admitted to the United States and were issued a Form I-94 (electronic or paper) or Form I-94W;
- Any non-citizen who has been issued an employment authorization document;
- Any non-citizen who has applied for U.S. permanent residence and has attended a biometrics appointment;
- A and G visa holders;
- American Indians born in Canada who possess at least 50% blood of the American Indian race and who are present in the U.S. under the authority of 8 United States Code Section 1359[RPA4] [GD5];
- Visitors admitted under ESTA; and
- Any non-citizen issued a border crossing card.

Who Must Register?

Those who must register under the IFR include all foreign nationals who remain in the U.S. for more than 30 days who have not gone through a registration and fingerprinting process in connection with an application for a nonimmigrant visa, employment authorization, permanent residence or admission into the U.S. through ESTA. These groups include the following:

- Foreign nationals remaining in the U.S. 30 days or more who enter the United States without a visa or who don't receive a Form I-94 record (paper or electronic);
- Foreign nationals who enter the U.S. without inspection and who have not been fingerprinted in connection with any immigration application;
- Non-US citizen children under the age of 14 who have not previously registered and will remain in the U.S. for 30 days or more. Minor children will be issued proof of registration but are not required to be fingerprinted until they turn 14; and
- All non-U.S. citizen children, regardless of previous registration, who turn 14 years old in the U.S., must update their registration and be fingerprinted within 30 days after their 14th birthday, including:
 - Permanent residents who obtained their green cards when below age 14 are required to register and complete fingerprinting by submitting a Form I-90 once they reach 14 years old.
 - Non immigrant children who turn 14 while they are in the United States. Once the child turns 14, they will need to comply with the new requirement within 30 days of their birthday, even if they have previously received a Form I-94 admission record.

Registration Procedure

Those who need to register must use the Form G-325R, which must be submitted online through an individual USCIS account. The procedure is as follows:

1. Create a USCIS account in the "myUSCIS" online platform by going to the following website: <https://www.uscis.gov/file-online/how-to-create-a-uscis-online-account>.
2. Select "File a Form Online" and then choose "Form G-325R" from the dropdown menu.
3. Follow the instructions to complete the Form G-325R, upload any supporting evidence. and submit the completed form once ready.

4. USCIS will issue a receipt notice once the Form G-325R has been submitted, which should be retained as proof of registration
5. Completing the Form G-325R registration will initiate the scheduling of a biometrics appointment.
6. Attend the biometrics appointment, bringing the appointment notice and a photo identification to the appointment.
7. Upon completion of the biometrics, retain the biometrics appointment notice which has been endorsed by USCIS as proof of having completed the fingerprinting.

Evidence of Registration and Penalties

The new rules require that all non-US citizens over the age of 18 carry proof their registration. For those who register under the process described above, the G-325R receipt notice and the endorsed biometrics appointment notice would constitute such evidence. For others who are not required to register under that process it might be their Form I-94, a permanent resident card or other documentation that the individual has received from USCIS.

Failure to register and/or to present valid proof may result in civil penalties of up to \$5,000, imprisonment of up to 6 months, or both. Parents and/or guardians who fail to register minor children may also be held liable and subject to these same penalties.

Takeaways

Canadian citizens who enter the United States by land and who remain in the United States for more than 30 days should be cognizant of these registration requirements and make sure that they are in compliance. Similarly, parents of non-citizen children who will turn 14 should make sure to timely register their minor children's presence in the United States in accordance with the procedures discussed above using the USCIS online account system.

Finally, as a reminder, it is important to understand that undergoing and/or completing this registration process does not confer lawful immigration status or the right to remain in the United States, nor do the documents issued as part of this registration process provide the right to remain in the United States, employment authorization to work in the United States, or any other right or benefit under the U.S. immigration laws. These documents are only proof that the individual has complied with the physical registration requirements.

Please contact your Bond, Schoeneck King, PLLC Immigration attorney if you have any questions regarding registration requirements and the registration process.

