

LEGAL UPDATES

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New Federal Noncitizen Registration Requirement Guidance for Employers and Noncitizen Employees

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On January 20, 2025, President Donald Trump issued an Executive Order titled “Protecting the American People Against Invasion,” which directs the Department of Homeland Security (DHS) to enforce a long-dormant noncitizen registration requirement under the Alien Registration Act of 1940. This policy, now revived, mandates certain noncitizens in the U.S. to register with the federal government and provide fingerprints. Noncompliance may result in fines, criminal charges, or deportation. Employers and their noncitizen employees must take immediate steps to understand and comply with this requirement.

Overview of the registration requirement

Under Section 262 of the Immigration and Nationality Act (INA), noncitizens aged 14 or older who remain in the U.S. for 30 days or more must register with the federal government. Parents are responsible for registering children under 14, and previously registered children must re-register within 30 days after turning 14.

Upon registration, DHS will issue evidence of registration, which noncitizens aged 18 and older must carry at all times. However, registration does not grant legal immigration status or benefits, such as work authorization—it is solely a record-keeping requirement.

Who is already registered and does not need to take action?

Most noncitizen employees and their family members already have pre-existing registration by virtue of their current immigration status and do not

need to register again. These include individuals who have been issued one of the following documents:

Nonimmigrants with a Form I-94 (Arrival/Departure Record) or I-94W

Lawful Permanent Residents with a Permanent Resident Card (Green Card)

Individuals granted a Form I-766 Employment Authorization Document (EAD)

Canadians and Mexicans with Border Crossing Cards (Forms I-185, I-186)

Individuals in deportation or removal proceedings with a Notice to Appear or other related documents (e.g., I-221, I-862, I-863)

Individuals paroled into the U.S. under INA 212(d)(5), even if parole has expired

Applicants for Adjustment of Status (Form I-485) with an I-797 receipt notice who have provided fingerprints

Key takeaway: If a noncitizen has been issued one of the documents listed above, they are already registered and do not need to take further action. **However, they must carry proof of registration to avoid penalties.**

Who must register?

There are few noncitizen employees who will need to register, although they may have family members who may need to do so. These individuals include:

1. Individuals in humanitarian programs

Noncitizens present under programs such as Asylees, Deferred Action for Childhood Arrivals (DACA), or Temporary Protected Status (TPS) who have not been issued an Employment Authorization Document (EAD) or other proof of registration.

2. Children turning 14

Previously registered children must re-register within 30 days of their 14th birthday.

3. Canadian nationals

Visitors who entered the U.S. without receiving a Form I-94 and who remain in the U.S. for 30 days or longer.

Intracompany transferees who fall under a Blanket L for whom there is no I-94 document.

4. Undocumented individuals

Noncitizens who entered the U.S. without inspection, admission, or parole.

Registration steps

Noncitizens required to register should take the following steps before April 11, 2025, or within 30 days of entry, whichever is sooner:

1. **Create a USCIS online account:** Use this platform to register and update addresses. Parents can register children under 14. **All noncitizens, regardless of whether they need to register, should create an account as it is useful for more than just registration.**
2. **Complete Form G-325R:** Submit biographic information online via the myUSCIS portal (no fee).
3. **Attend biometrics appointment:** USCIS will schedule an appointment to collect fingerprints, photos, and signatures. Canadian visitors and children under 14 may be exempt from fingerprinting but must still complete Form G-325R.
4. **Print registration certificate:** After biometrics, download and print “Proof of Alien Registration” from the myUSCIS account.

Carrying and address requirements

All noncitizens aged 18 and older must always carry documents showing they are in compliance with the registration requirement, including “Proof of Alien Registration,” original Green Cards or EAD cards, and/or I-94 document, to avoid penalties.

Nonimmigrants should go to <https://i94.cbp.dhs.gov/> and print their I-94 document from their last entry if still valid and carry it with them. Otherwise, they should carry the I-94 portion of their I-797 Approval Notice.

All noncitizens must remember that they must update their address within 10 days of moving. Addresses can be updated on the individual’s myUSCIS at <https://my.uscis.gov/>. If an individual is unsure if USCIS has their current address, we recommend that the address be “updated” to the current address before April 11, 2025.

Consequences of noncompliance

The penalties for noncompliance are severe and include:

Fines: Up to \$5,000 for failing to register, carry proof, or update your address.

Jail time: Up to 180 days for failure to register and up to 30 days for failure to carry documents or update address.

Deportation risks: Failure to comply may lead to removal proceedings.

Employers should encourage employees to consult with immigration attorneys to assess their individual situations and weigh the risks of compliance versus noncompliance.

What this means to you

For employers

Ensure your noncitizen employees are aware of this new requirement.

Provide resources or access to legal counsel to help employees determine their registration obligations.

For noncitizen employees

If you are already registered, ensure you carry proof of registration at all times.

If you are not registered, register before or as soon after April 11, 2025 as possible by creating a USCIS online account and completing the G-325R.

General guidance

Registration is a legal obligation but does not grant legal status or work authorization.

Consult an immigration attorney for personalized advice, especially if your immigration status is undocumented or uncertain.

Additional resources

Visit the USCIS website for updates and instructions on the registration process.

Contact a qualified immigration attorney for guidance tailored to your specific circumstances.

By staying informed and proactive, both employers and noncitizen employees can navigate this new requirement successfully while minimizing risks.

Contact us

If you are an employer with questions regarding this new requirement, contact Tiffany Baldwin or your Husch Blackwell attorney.