



News & Types: Client Advisories

New Alien Registration Requirement – Are You Required to Register?

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Practices: Immigration

The U.S. Citizenship and Immigration Services (USCIS) recently updated the compliance process for registering with the U.S. Government. The law and its requirements apply to all foreign nationals who remain in the United States for 30 days or longer on a single visit. Information about the Alien Registration Requirement and how to register is available at <https://www.uscis.gov/alienregistration>.

WHO MUST REGISTER?

- Any person age 14 years and older who did not have his/her fingerprints and photograph taken when applying for a visa (or entering the United States) and remains in the United States for 30 days or longer
- Citizens of Canada who entered the United States at a land border and were not issued an I-94
- Children present in the United States who were issued a visa prior their 14th birthday
- Children present in the United States who arrived in the country before their 14th birthday
- Children, including Green Card holders/lawful permanent residents, present in the United States who have since turned 14
- Any person in the United States who was not inspected and admitted or paroled (persons who entered illegally)
- Individuals who have applied for Deferred Action for Childhood Arrivals (DACA) and have not yet completed biometrics processing
- Individuals who have applied for Temporary Protected Status (TPS) and have not yet completed biometrics processing

WHO DOES NOT NEED TO REGISTER?

- U.S. Citizens
- Green Card holders (a/k/a Lawful Permanent Residents)
- Noncitizens issued a Form I-94 (Nonimmigrants) or Form I-94W (Visa Waiver – ESTA) when arriving in the United States. The Form I-94 or Form I-94W may be issued electronically.
- Noncitizens issued a visa by a U.S. Embassy/Consular Post
- Noncitizens paroled into the United States – entering with an “Advance Parole document”

- Noncitizens in removal/deportation proceedings
- Noncitizens holding an Employment Authorization Document (EAD)
- Noncitizens who applied for lawful permanent residence using Forms I-485, I-687, I-691, I-698, I-700 and provided fingerprints
- Noncitizens (generally nationals of Mexico) holding a Border Crossing Card
- American Indians born in Canada who entered the United States under section 289 of the INA, and members of the Kickapoo Traditional Tribe of Texas who entered the United States under the Texas Band of Kickapoo Act

FAQS FOR THOSE WHO NEED TO REGISTER

HOW DO I LOCATE MY I-94?

Please visit the I-94 Website: <https://i94.cbp.dhs.gov/home>

HOW DO I REGISTER?

USCIS has created a web-based registration process to facilitate compliance.

<https://www.uscis.gov/alienregistration>. Individuals required to register will create an online account at <https://www.uscis.gov/file-online/how-to-create-a-uscis-online-account> and complete the registration online. Thereafter, they will be provided instructions to schedule an appointment to complete the biometrics processing at an Application Support Center.

Each foreign national submitting a registration must have their own individual USCIS online account. This includes children under the age of 14. If you are the parent or legal guardian of a child under the age of 14 who needs to register, you will need to set up an individual USCIS online account on your child's behalf in their name.

WHEN MUST REGISTRATION OCCUR?

Any individual required to register who remains in the United States for 30 days or longer must register before the 30th day. Children who turn age 14 must complete the registration within 30 days of their 14th birthday.

I AM ALREADY IN THE UNITED STATES. WHEN DO I NEED TO REGISTER?

- Anyone who needs to register and who has already been here longer than 30 days should register as soon as possible in order to bring themselves into compliance with the law.
- Anyone who has not been in the United States for 30 days yet, but expects to be, should register before the 30 days runs out.
- A person violates the criminal statute beginning on day 31 after their entry into the United States if they willfully fail to register.

WHAT IF I DEPART THE UNITED STATES AND RETURN?

- The requirement to register applies to stays in the United States for 30 days or longer from the date the visitor was most recently admitted. The requirement is not cumulative over multiple stays in the United States. When the visitor departs the United States, this “clock” essentially resets.
- For example, a visitor is admitted into the United States and returns overseas after 15 days. Later that year, the visitor takes a second trip to the United States and returns overseas after 20 days. Since each of these stays in the United States is less than 30 days, the visitor does not need to register.

WHAT DOCUMENTATION IS ISSUED UPON REGISTRATION?

Individuals will receive notice confirming their registration. Noncitizens over the age of 18 must carry this registration notice with them at all times. <https://www.uscis.gov/tools/uscis-tools-and-resources/immigration-documents-and-how-to-correct-update-or-replace-them>. <https://www.masudafunai.com/articles/does-the-law-really-require-me-to-carry-proof-of-my-immigration-status>.

HOW MUCH DOES IT COST TO REGISTER?

There is currently no fee for the new web-based registration process.

ARE THERE PENALTIES FOR NOT REGISTERING?

Yes. Any individual who willfully fails or refuses to apply to register or be fingerprinted (if required), and any parent or legal guardian who is required to apply for the registration on behalf of a child less than 14 years of age and who willfully fails or refuses to file an application for the registration of such alien, will be guilty of a misdemeanor and will, upon conviction, be fined not to exceed \$5,000 or be imprisoned not more than 6 months, or both.

DOES REGISTRATION GIVE ME ANY RIGHTS OR LEGAL STATUS IN THE UNITED STATES?

No. Registration does not confer any immigration status, employment authorization, or right to remain in the United States.

IF I AM NOT REQUIRED TO REGISTER, DO I STILL HAVE TO NOTIFY THE USCIS WHEN I CHANGE HOME ADDRESSES?

Yes. All foreign nationals in the United States must also report a change of address to USCIS within 10 days of moving by filing a Form AR-11. The form can be found here - <https://www.uscis.gov/ar-11>.

Under the Trump Administration, failure to follow these requirements may result in arrest, fines and/or removal.

Masuda Funai is a full-service law firm with offices in Chicago, Detroit, Los Angeles, and Schaumburg.

