

# Global Immigration alert

February 2025

## United States

### USCIS announces registration requirement for certain foreign nationals in the United States

#### Executive summary

On 20 January 2025, President Donald J. Trump issued an [Executive Order](#) (EO) to safeguard national security and public safety through stricter enforcement of immigration laws. Among other directives, the EO instructs the Department of Homeland Security (DHS) to ensure that foreign nationals comply with their duty to register and provide fingerprints, and that the failure to do so be treated as a civil and criminal enforcement priority.

To facilitate compliance, U.S. Citizenship and Immigration Services (USCIS) has announced a new registration process, with further details to be provided shortly.

#### Background and analysis

Section 262 of the Immigration and Nationality Act (INA) requires foreign nationals to register with the U.S. government if they meet the following criteria:

- Are aged 14 and older, were not registered and fingerprinted when applying for a visa to enter the U.S. and remain in the U.S. for 30 days or longer
- Are parents or legal guardians of foreign nationals under 14 years of age who have not been registered and remain in the U.S. for 30 days or longer
- Have turned 14 years old in the U.S. and must register within 30 days after their 14<sup>th</sup> birthday

The registration requirement does not apply to American Indians born in Canada who entered the U.S. under Section 289 of the INA or members of the Texas Band of Kickapoo Indians who entered the U.S. under the Texas Band of Kickapoo Act.

Additionally, foreign nationals who have previously registered already meet the requirement and do not need to re-register. This includes:

- Lawful permanent residents
- Paroled foreign nationals under INA 212(d)(5), even if the period of parole has expired
- Foreign nationals admitted to the U.S. as non-immigrants and were issued form I-94 or I-94W, even if their period of admission has expired
- All foreign nationals present in the U.S. who were issued immigrant or non-immigrant visas prior to arrival
- Foreign nationals whom DHS has placed in removal proceedings
- Foreign nationals issued an employment authorization document (EAD)
- Foreign nationals who have applied for lawful permanent residence using Forms I-485, I-687, I-691, I-698, I-700
- Foreign nationals who have been issued Border Crossing Cards

#### What this means

Based on the current information available, the scope, effect and enforcement of the registration requirement remains unclear. However, the announcement suggests that certain visa-exempt foreign nationals, such as Canadian citizens, may be subject to the registration requirement if staying in the U.S. for over 30 days.

In the meantime, companies employing foreign nationals are encouraged to ensure that employees and their families are aware of and comply with upcoming registration

requirements to prevent disruptions in employment or legal consequences.

We will continue to monitor and share future developments. For additional information, or if you wish to discuss this further, please contact your EY Law LLP professional or Mehlman Jacobs LLP professional.

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EYG no. 001573-25GbI

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