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Alien Registration Requirements

Section 1302, Title 8 of the *U.S. Code* requires aliens (i.e., non-U.S. citizens or nationals) who are age 14 and older and present in the United States for 30 days or more to apply for registration and fingerprinting with immigration authorities. Parents or legal guardians of children under age 14 must ensure the children are registered. Section 1304(e) requires aliens age 18 and over to carry proof of registration. Section 1303(b) exempts certain categories of aliens from registration requirements. Failure to comply with these and other registration requirements, codified at 8 U.S.C. §§1301-1306, may subject aliens to misdemeanor penalties and serve as grounds for removal from the United States.

Long-standing regulations implementing these requirements did not provide specific registration forms for every category of nonexempted aliens, including those who entered the United States without inspection and were unlawfully present. The U.S. Department of Homeland Security's (DHS's) U.S. Citizenship and Immigration Services (USCIS) has stated that, under these regulations, "a significant number of aliens present in the United States have had no direct way to register and meet their obligation under [Section 1302]."

On March 12, 2025, DHS published an interim final rule (IFR), "Alien Registration Form and Evidence of Registration," effective April 11, 2025. The IFR created a general registration form for certain unregistered aliens to comply with Section 1302's requirements beginning on the effective date. The IFR followed a January 20, 2025, executive order that directs DHS to ensure that unregistered aliens comply with the relevant provisions of Section 1302. The executive order also directs agencies to treat alien registration requirements "as a civil and criminal enforcement priority." DHS published a final rule with technical changes on June 29, 2026.

Historical Background

The federal government has imposed alien registration requirements of varying scope since the Naturalization Act of 1798. Some requirements have targeted specific groups, such as Chinese nationals in the late 19th and early 20th centuries and "enemy aliens" during World War I.

Current registration requirements have their roots in the Alien Registration Act of 1940. The 1940 act required aliens to be registered and fingerprinted before being issued a visa. Aliens age 14 and older who remained in the United States for 30 days or longer and had not already been registered were required to apply for registration and be fingerprinted at a U.S. post office or other places designated by the Commissioner of the former Immigration and Naturalization Service (INS). Parents and guardians were

required to ensure alien children under 14 were registered. Aliens subject to registration requirements were also required to report address changes to the INS. Failure to comply was punishable by fines and/or imprisonment.

From August 1940 through March 31, 1944, alien registration was recorded on Alien Registration Forms (AR-2s). Since April 1, 1944, Alien Registration Numbers (A-Numbers) have been recorded in Alien Files (A-Files), which are the official files for all immigration and naturalization records.

Following World War II, federal regulations transferred registration functions from post offices to INS and designated registration to be completed at U.S. ports of entry through documentation of individuals' immigration statuses. Some aliens, including Canadian visitors, were exempt from registration requirements. In 1952, Congress enacted the Immigration and Nationality Act (INA), which contained registration and fingerprinting provisions that closely resembled the 1940 act.

Legislation and regulatory changes following the INA's enactment narrowed the scope and application of these requirements. After the INA's enactment, federal regulations exempted from registration requirements "Canadian citizens and British subject visitors" and nonimmigrant (i.e., aliens admitted on a temporary basis) agricultural workers. A 1957 amendment to the INA authorized the U.S. Departments of State and Justice to waive fingerprinting for any nonimmigrants. Subsequent changes directly or indirectly affected the registration requirements' application to other groups (including those described below). According to one scholarly analysis, these and other developments resulted in alien registration requirements rarely being enforced, as "there was no regulatory apparatus in place to register anyone outside of the ordinary process of applying for selected forms of immigration status." In 2025, a bill was introduced (H.R. 2129) to repeal the 1940 act. As of the date of this In Focus, the bill is pending before the House Judiciary Committee.

Statutory Authorities and Penalties

The primary statutory authorities for alien registration are found in 8 U.S.C. §§1301–06. Apart from Section 1302's registration requirements, Section 1304(e) requires certain aliens to carry proof of registration, and failure to do so may result in a fine and/or imprisonment for up to 30 days. Section 1305(a) requires aliens to notify the federal government within 10 days of any address change. Section 1306 details other penalties related to alien registration. Aliens who willfully fail or refuse to apply for registration and fingerprinting may be subject to a fine and/or imprisonment for up to six months. Aliens who fail to give

written notice of a change of address may be fined and/or imprisoned for up to 30 days. Aliens who submit fraudulent statements when registering may be subject to misdemeanor penalties, including fine and/or imprisonment for up to six months. Parents or legal guardians of alien minors subject to registration requirements may face criminal penalties for failing to register them. Counterfeiting registration documents is a felony subject to a fine and/or imprisonment for up to five years. Despite the seemingly broad reach of Sections 1302 and 1304, U.S. Department of Justice data show that prosecutions under them have been rare.

Failure to comply with Sections 1305 or 1306 may subject an alien to removal under Section 1227(a)(3)(A), unless the alien can show that the failure to give written notice of an address change “was reasonably excusable or was not willful.” The individual may also be subject to removal under Section 1227(a)(3)(B)(i), which lists falsifying documents as one of the grounds for deportability.

Exempted Populations

Many aliens in the United States already possess prescribed registration forms or evidence of registration and do not need to register under the process established under the IFR and final rule. These include those issued immigrant or nonimmigrant visas before their last date of arrival, lawful permanent residents (LPRs), persons who have applied for LPR status (even if their applications were denied), nonimmigrants admitted with an I-94 Arrival/Departure Record (even if the period of admission has expired), persons granted immigration parole (even if the parole has expired), persons issued employment authorization documents, persons with Border Crossing Cards, persons with trusted traveler program documents, persons with notices and orders for expedited removal or reinstatement of removal, and those who have been issued a Notice to Appear in immigration court and placed into removal proceedings.

As discussed previously, under existing statute and the revised regulations, certain other groups are exempt or excluded from Section 1302’s registration requirements. These groups include NATO representatives, officers, and employees with nonimmigrant status, and A and G nonimmigrants (ambassadors/diplomats and representatives of international organizations; 8 U.S.C. §1303(b)) who may not have been registered in association with their visa application (8 U.S.C. §1201(b)). DHS has also interpreted Section 1302’s requirements to exclude members of the Kickapoo Traditional Tribe of Texas (under P.L. 97-429 §4(d)), and certain American Indians born in Canada (under 8 U.S.C. §1359).

Impacted Populations

Groups that did not previously have a means to obtain evidence of registration and may be subject to the new registration process include the following:

- aliens present in the United States without inspection, who possess no form of registration (e.g., employment authorization);
- Canadian visitors who arrived at land ports of entry and were not issued Forms I-94 Arrival/Departure Records

(Canadian tourists and business visitors are exempted from the I-94 requirement); and

- aliens who turn 14 in the United States (whether previously registered or not).

In the IFR, DHS estimated that 2.2 million-3.2 million individuals may fall into one of these categories.

Process and Form

The IFR established a registration form—G-325R, Biographic Information (Registration)—and a process for aliens subject to the requirement who do not possess evidence of registration. There is no filing fee for Form G-325R or biometrics collection, though the rule states that DHS may opt to impose one in the future.

Covered persons must create a USCIS online account (each registrant has a separate account) and electronically complete Form G-325R. On a website that explains the registration process, USCIS states that it will determine whether the person registering is required to be fingerprinted and schedule such for a biometrics appointment at a USCIS Application Support Center.

After filing the registration and completing the fingerprinting (if required), USCIS posts a notice of registration to the alien’s online account. The recipient may download and print a PDF of the notice to serve as evidence of registration. Registered individuals must report changes of address in their USCIS online account within 10 days. The requirement to report changes of address applies to all aliens required to be registered (8 U.S.C. §1305(a)), including those who register via the new Form G-325R and those who register by other means.

Related Litigation

Shortly after issuance of the IFR in 2025, a group of advocacy organizations brought suit to stop it from taking effect. The plaintiffs alleged that the rule would impose new substantive burdens by establishing a “universal” registration system that would require “millions of noncitizens to register with the government and carry their papers at all times, on pain of federal criminal prosecution and incarceration.” The plaintiffs claimed that the IFR is a legislative rule that should have undergone a notice-and-comment process under the Administrative Procedure Act, and that the IFR is arbitrary and capricious in light of DHS’s alleged failure to explain its departure from long-standing federal practice or to consider the impact on affected populations when promulgating the IFR.

In April 2025, a federal district court judge denied the plaintiffs’ motion to stay the IFR, finding that the plaintiffs failed to show standing. The plaintiffs filed for an injunction “to preserve the status quo” while appealing the denial of their motion. The district court judge denied the motion, ruling that the plaintiffs had now shown standing but failed to show irreparable injury. As of the date of this In Focus, the appeal remains pending before the U.S. Court of Appeals for the D.C. Circuit.

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