

## HR Alert: Alien Registration Form and Evidence of Registration

On January 20, 2025, President Trump issued Executive Order 14159, titled "Protecting the American People Against Invasion." This order instructs the Department of Homeland Security to ensure that non-citizens are registered with the government under section 262 of the Immigration and Nationality Act (INA). The Department of Homeland Security has published the final rule on "Alien Registration Form and Evidence of Registration" (APR), which is set to take effect on April 11, 2025.

### Background

The "Alien Registration Requirement" is not a new concept. It originated in the WWII era and was known as The Smith Act. This act requires most noncitizens to register with and be fingerprinted by the federal government. Although these provisions have been part of US Immigration law, the federal government has not prioritized its enforcement. Effective April 11, DHS will start re-enforcing the requirements and penalize individuals who are not in compliance.

### Rule

#### *Who Must Register*

- **Aliens 14 years or older** who were not registered when applying for a US visa and who remain in the US for 30 days or longer.
- **Children under 14 years old** must be registered by their parents or guardians if they will stay in the US for 30 days or more.
- **Aliens turning 14 years old** must register within 30 days after their 14th birthday.
- Foreign nationals who are present in the United States without inspection and admission or inspection and parole.
- Canadian visitors who entered the United States at land ports of entry and were not issued evidence of registration.
- Foreign nationals who submitted one or more benefit requests to USCIS not listed in 8 CFR 264.1(a), including applications for Deferred Action for Childhood Arrivals (DACA) or Temporary Protected Status (TPS), who were not issued evidence of registration, such as an employment authorization document.

#### *Who Is Already Registered*

No action is needed for:

- Lawful permanent residents
- Foreign nationals paroled into the United States under INA 212(d)(5), even if the period of parole has expired
- Foreign nationals admitted to the United States as nonimmigrants who were issued Form I-94 or I-94W (paper or electronic), even if the period of admission has expired

- Foreign nationals who have applied for lawful permanent residence using Forms I-485, I-687, I-691, I-698, I-700
- Foreign nationals issued an employment authorization document
- Canadians who enter the US and are issued an I-94 record (paper or electronic)
- Non-US citizens issued Border Crossing Cards

Non-US Citizens 18 or older are required to carry proof of registration at all times.

### **What This Means for Employers**

- 1) Employers can expect changes to their I-9 process. Starting April 11, 2025, Proof of Registration Document will be an acceptable form of documentation for evidence of authorization to work in the USA. At this time, it is unclear if the Proof of Registration document will fall under Acceptable document List A.
- 2) Some of the employees who do not have an Employment Authorization Card, Permanent Resident Card, or an I-94, will have to take time off to register. Please make sure all workers who need time off to register are treated with a consistent approach, i.e. allowing the same time off and extending the grace period.
- 3) Employers must apply consistent verification policies to all employees and cannot selectively require proof of registration from certain individuals. Any improper actions towards registered or unregistered noncitizen workers could result in liability under anti-discrimination laws related to immigration.
- 4) Ensure your hiring practices comply with current standards as DHS enforcement will increase and potential audits may occur.

For additional information on this amended legislation, we encourage you to review <https://www.uscis.gov/alienregistration>.

People2.0 is constantly monitoring new regulations and executive orders. We will continue to provide important updates. If you have any questions, please contact People2.0 Human Resources department.