

Friday, April 11, 2025

Submitted via Regulations.gov

Mark Phillips
Residence and Naturalization Division Chief
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
5900 Capital Gateway Drive
Camp Springs, MD 20746

Re: Comment from the National Immigrant Justice Center on the Interim Final Rule “[Alien Registration Form and Evidence of Registration](#),” RIN 1615-AC96.

Chief Phillips,

The National Immigrant Justice Center (NIJC) submits the comment below in response to the Interim Final Rule (IFR) on “Alien Registration Form and Evidence of Registration” published on March 12, 2025. We urge the Department of Homeland Security (DHS) and its component U.S. Citizenship and Immigration Services (USCIS) (hereinafter “the Department” or “DHS”) to fully rescind the IFR and eliminate this unnecessary, highly costly and irreparably harmful process.

NIJC’s strong interest in the agencies’ proposed changes

For over four decades, NIJC has been dedicated to ensuring human rights protections and access to justice for immigrants, refugees, and asylum seekers. NIJC provides direct legal services to and advocates for immigrant communities through policy reform, impact litigation, and public education. Headquartered in Chicago, NIJC provides legal services through our staff and pro bono network to more than 11,000 individuals each year, including more than 800 asylum seekers. NIJC’s clients include indigent, Black, Brown, Indigenous, and LGBTQ+ people seeking protection and permanent relief from deportation, who frequently have no avenue to seek safety but to approach the United States at the U.S.-Mexico border.

The IFR’s proposed changes are certain to severely and adversely impact the people NIJC serves. Many NIJC clients impacted by this rule could face unprecedented civil and criminal penalties. Others may see their family members and relatives harmed because of the sweeping impact of this IFR. This IFR would fundamentally alter the way NIJC provides legal services to thousands of clients yearly, requiring additional time and resources from NIJC and our pro bono network. In turn, this will divert from NIJC’s mission-bound services in other areas, imposing a severe burden on our resources. New and existing clients will need rapid response services that deplete staff time and resources from serving other individuals and families. This diversion of resources will frustrate NIJC’s mission, which, in part, is to serve as many individuals as possible while establishing and defending the legal rights of immigrants regardless of their background. The IFR separately frustrates another key component of NIJC’s mission, which is to transform the immigration system to one that affords equal opportunity for all. The IFR will have a disparate impact on some of the

most vulnerable among the already vulnerable population of asylum seekers.

As we explain below, this IFR (I) deprives stakeholders of the opportunity to weigh in prior to implementation and implicates serious rights and interests USCIS failed to consider; (II) raises serious constitutional concerns; (III) will cost local communities and economies in its implementation; (IV) builds on a troubling history of racial discrimination; and (V) will adversely impact children and their families as well as (VI) individuals who face language barriers due to low or limited English proficiency. For these reasons and more we could not address given the limited timeframe of this comment period, NIJC calls for full rescission of this IFR.

I. USCIS erred in issuing an IFR, rather than a notice of proposed rulemaking.

The IFR is not a “procedural rule” but a rule that drastically alters the rights and interests of noncitizens and federal, state and local governments.¹ As such, this rule should have been subject to notice-and-comment rulemaking under the Administrative Procedure Act (APA) and not issued as an IFR. By USCIS’ own assessment, this rule could impact “between 2.2 million and 3.2 million children and adults.”² These noncitizen adults and children would face the requirement to register under the new IFR, at the risk of incurring severe civil and criminal penalties. To assert, as USCIS does, that the IFR “merely adds another method . . . for compliance with existing statutory registration requirements” and “does not alter the rights or interests of any party . . . on its face” grossly overlooks the impact on and the interest of millions of individuals and families.³

Additionally, this IFR marks a stark departure from the narrow application of the registration statute over the course of the past 80 years and any history of rulemaking under the statute. Prior to the issuance of this IFR, the U.S. government never implemented systematic noncitizen registration.⁴ By 1950, the U.S. had completely abandoned the World War II-era independent registration process reflected in the statute. The mere creation of the registration process in 1940, while it was scarcely implemented and spared the vast majority of noncitizens for the decades that followed, is no basis to claim this IFR makes no alteration to established interests. The Immigration and Nationality Act (INA) of 1952 and 1965 transitioned registration into regularized immigration applications and enforcement, because noncitizens “registered” as part of their immigration processes—marking an intentional departure from the sweeping noncitizen registration process this IFR seeks to implement.⁵ Universal registration is mired in myths and “[h]istorical amnesia;” this IFR is no exception.⁶

For NIJC, this IFR will fundamentally alter our provision of legal services. We will need to screen

¹ Alien Registration Form and Evidence of Registration, 90 Fed. Reg. 11,793, 11,796 (Mar. 12, 2025) (to be codified at 8 C.F.R. § 264).

² *Id.*, at 11,797.

³ *Id.*, at 11,796.

⁴ Nancy Morawetz & Natasha Fernandez-Silber, *Immigration Law and the Myth of Comprehensive Registration*, 48 U.C. Davis L. Rev. 141 (2014), available at https://lawreview.law.ucdavis.edu/sites/g/files/dgvnsk15026/files/media/documents/48-1_Morawetz_Fernandez-Silber.pdf.

⁵ *See id.*

⁶ *Id.* at 146-47.

every individual NIJC comes into contact with in light of this IFR, potentially changing our intake processes, risk assessment, advisals, internal and pro bono training so as to screen the applicability of registration to each client—and their impacted family members. Competent legal advice will also require NIJC to measure this IFR’s infringement on constitutional rights of implicated noncitizens (addressed further in Section II), which will require expert review and attentive supervision of each case. Cumulatively, this will require additional hours to each staff member’s time, diverting resources we would otherwise dedicate to serving more client adults and children. We also anticipate seeing new and existing clients subjected to fines and criminal penalties requiring legal advice, and rapid response review by staff and supervisors.

As with other sweeping changes in immigration procedures, NIJC also anticipates the proliferation of *notario* misrepresentation and abuse, defrauding unknown numbers of individuals and families who would act under faulty advice to register. The end result will be a significant reduction of our capacity to provide services and pursue permanent relief on behalf of immigrants and asylum seekers NIJC would normally serve.

Finally, USCIS fails to consider the impact of arbitrary and discriminatory searches, seizures, detentions, and deportations premised on the Rule and the impacts on noncitizens and citizens alike—particularly the requirements that carry criminal penalties if they fail to carry “proof of registration” on their person at all times.⁷ There is no doubt that this IFR will have an unprecedented impact on immigrant communities. By requiring millions of noncitizen adults and children to provide potentially incriminating information and to voluntarily register and obtain fingerprints, we will also see a dramatic spike in detention, deportation, and the use of criminal prosecutions—all of which require resource-intensive rapid response from NIJC’s legal services, litigation team, and policy teams alike.

By invoking the criminal statute at 8 U.S.C. § 1304(e), the IFR contemplates enforcement practices that will inevitably result in arbitrary searches, seizures, arrests and detentions ripe for racial profiling which impacts U.S. citizens, based on racialized assumptions about immigration status for nonwhite adults and children—based on whether these individuals “look” or “sound foreign” to law enforcement officials. This registration process is part of a larger attack on immigrant communities. By giving more tools to this administration, the IFR will fuel the alarming enforcement practices already commonplace under this administration.

Such racial profiling has already swept up U.S. citizens across the nation in the name of immigration enforcement.⁸ NIJC has already born witness to routine enforcement actions of a discriminatory nature in Illinois and Indiana, in violation of a binding settlement agreement.⁹ These enforcement

⁷ 90 Fed. Reg. at 11794 (citing 8 U.S.C. § 1304(e)). (“Noncitizens newly issued proof of registration and fingerprinting under the IFR can be prosecuted for failure to carry that proof of registration at all times.”)

⁸ See, e.g., Nicole Foy, “Some Americans have already been caught in Trump’s immigration dragnet. More will be,” *ProPublica* (Mar. 18, 2025), available at <https://www.propublica.org/article/more-americans-will-be-caught-up-trump-immigration-raids>.

⁹ See *Castañon Nava et al. v. Dep’t of Homeland Sec.*, No. 18-cv-3757-RRP (N.D. Ill.); Adriana Cardona-Maguigad, “Trump’s immigration arrests in Chicago raise questions about 4th Amendment violations,” *Chicago SunTimes* (Feb. 5, 2025), <https://chicago.suntimes.com/immigration/2025/02/05/chicago-immigration-lyons-elgin-trump-ice-raids-border-wall-immigration-know-your-rights>. “Tears, fears — but few details — in wake of immigration sweeps across Chicago area,” *WBEZ Chicago* (Jan. 7, 2025), ; see also Alicia A. Caldwell, X (Jan. 26, 2025),

actions have targeted U.S. citizens and long-time community members alike.¹⁰ The IFR will likely implicate federal and state law enforcement alike, making communities less safe and violence survivors less likely to call for those same agencies for help.¹¹

II. The IFR raises serious constitutional concerns.

Much like this administration's other enforcement policies and practices, this IFR shows little consideration of fundamental rights enshrined in the U.S. Constitution, including the Fifth and First Amendments. The IFR compels the disclosure of information that is self-incriminating for many undocumented individuals—and doubles down on those criminal penalties by threatening further prosecution for lack of compliance.

The Fifth Amendment protects all persons in the U.S. regardless of citizenship or immigration status and includes the right to remain silent and the right against self-incrimination. Yet Form G-325R contains numerous mandatory questions and sub-questions seeking significant detail on any potential criminal activity, whether charged or not, in addition to questions about the registrant's immigration history that may reveal inculpatory information connected to migration-related federal offenses.

Meanwhile, Form G-325R yields no immigration benefit, unlike other USCIS forms that elicit similar disclosures. Instead, the Form requires millions of noncitizens to come forward and waive their Fifth Amendment right to not be compelled to self-incriminate. In its announcement and the President's underlying Executive Order, the administration makes clear that the purpose of this form is to impose civil and criminal penalties on individuals who fail to register.¹² This IFR, combined with the tremendous diversion of federal resources towards the prosecution and prioritization of migration-related prosecutions,¹³ make clear that the registration process is a vehicle for making every adult and child subject to registration a target and priority for federal

<https://x.com/aacaldwellLA/status/1883580370396094672> (reporting that of about 260 people arrested in the Chicago area, only seven had criminal warrants). <https://www.wbez.org/immigration/2025/01/27/chicago-immigration-ice-raid-monday>; see also Alicia A. Caldwell, X (Jan. 26, 2025), <https://x.com/aacaldwellLA/status/1883580370396094672> (reporting that of about 260 people arrested in the Chicago area, only seven had criminal warrants).

¹⁰ María Luisa Paúl, *As Trump cracks down on immigration, U.S. citizens are among those snared*, The Wash. Post (Apr. 5, 2025), <https://www.washingtonpost.com/immigration/2025/04/05/us-citizens-deported-immigration/>.

¹¹ Tim Henderson, "Despite profiling concerns, more law agencies are joining street-level immigration enforcement," *Stateline* (Mar. 5, 2025), available at <https://stateline.org/2025/03/05/despite-profiling-concerns-more-law-agencies-are-joining-street-level-immigration-enforcement/>.

¹² "Secretary Noem announces agency will enforce laws that penalize aliens in the country illegally," Dep't. of Homeland Security (Feb. 25, 2025), available at <https://www.dhs.gov/news/2025/02/25/secretary-noem-announces-agency-will-enforce-laws-penalize-aliens-country-illegally>; Executive Order 14159 of January 20, 2025, "Protecting the American People Against Invasion," 90 Fed. Reg. 8443 (published on Jan. 20, 2025).

¹³ NIJC et al., "The Waste and Severe Harm of Immigration Prosecutions: Congress Should Reject Funding for Family Separations & Mass Incarceration" (March 2025), available at https://immigrantjustice.org/sites/default/files/content-type/commentary-item/documents/2025-03/2025_explainer-imm-prosecutions.pdf.

prosecutors—irrespective of these individuals’ constitutional rights.

Finally, USCIS fails to consider the chilling impact of this IFR for noncitizens whose First Amendment right to freedom of speech is already under attack. DHS and USCIS have already taken unprecedented actions to undermine this protected right for noncitizens.¹⁴ This is particularly alarming as fear of racial profiling in connection with arbitrary immigration enforcement is already taking hold across the country.¹⁵ Nonetheless, USCIS shows no consideration of either of these keystone constitutional protections.

III. Stoking fears, this IFR will impose significant costs on local economies and communities.

Without evidence, USCIS claims that the IFR will not have a significant economic impact on a substantial number of small entities, such as small businesses.¹⁶ USCIS makes no mention of any other impact on communities. However, the implementation and enforcement of this IFR will have ripple effects across the United States. The IFR will undoubtedly make immigrant workers afraid to go to work, immigrant children and students afraid to go to school, and legitimately increase the fear of family separation, detention, deportation, and prosecutions. This will in turn impact employers, businesses, schools and local governments by shrinking local economies and making communities less stable, cohesive, safe and connected.¹⁷

This risk is not speculative. Already, this administration’s enforcement efforts have caused children to miss school and endangered staple industries for immigrant workers.¹⁸ As NIJC witnesses

¹⁴ See, e.g., Caroline Linton, “Marco Rubio says 300 student visas have been revoked, including detentions at Tufts, Columbia and more,” *CBS News* (Mar. 27, 2025), available at <https://www.cbsnews.com/news/marco-rubio-student-visas-revoked-ice-tufts-columbia-university/>; USCIS, “DHS to Begin Screening Aliens’ Social Media Activity for Antisemitism” (Apr. 9, 2025), <https://www.uscis.gov/newsroom/news-releases/dhs-to-begin-screening-aliens-social-media-activity-for-antisemitism> (announcing sweeping review of social media and benefits applications for noncitizens before USCIS, claiming they cannot “hide behind the First Amendment”).

¹⁵ Suzanne Gamboa and Nicole Acevedo, “Trump immigration raids snag U.S. citizens, including Native Americans, raising racial profiling fears,” *NBC News* (Jan. 28, 2025), available at <https://www.nbcnews.com/news/latino/trump-immigration-raids-citizens-profiling-accusations-native-american-rcna189203>; see also Robert Tait, “US academic groups sue White House over planned deportations of pro-Gaza students,” *The Guardian* (Mar. 25, 2025), available at <https://www.theguardian.com/us-news/2025/mar/25/pro-palestine-student-deportation-lawsuit>.

¹⁶ Alien Registration Form and Evidence of Registration, 90 Fed. Reg. 11,793, 11,798 (Mar. 12, 2025) (to be codified at 8 C.F.R. pt. 264).

¹⁷ See, e.g., Rebecca Davis O’Brien & Miriam Jordan, “A chill sets in for undocumented workers, and those who hire them,” *N.Y. Times* (Mar. 9, 2025), available at <https://www.nytimes.com/2025/03/09/business/economy/immigrant-workers-deportation-fears.html>; Miriam Jordan et al., “Immigrant communities in hiding: ‘People think ICE is everywhere,’” *N.Y. Times* (Jan. 30, 2025), available at <https://www.nytimes.com/2025/01/30/us/immigrant-communities-hiding-ice.html>.

¹⁸ Olga Rodriguez et al., “Trump won’t ban immigration arrests at school. Some families are now weighing school attendance,” *AP News* (Jan. 22, 2025), available at <https://apnews.com/article/trump-immigration-ice-raids-school-2d899678264f44fe1021847ee385fd15>; Zareen Syed and Talia Soglin, “Chicago restaurant workers prepare as ICE arrests cast fear, uncertainty over industry,” *Chicago Tribune* (Feb. 10, 2025), available at

frequently in our clients, the impact on one undocumented individual is never siloed and will make many citizens and permanent residents fearful that they will be swept up into the administration's enforcement actions. The Trump administration recently deported a family of 7, including 4 U.S. citizen children—one of whom was on their way to get brain cancer treatment.¹⁹ Though DHS has no lawful right to deport U.S. citizens, this is likely to become a daily occurrence with the implementation of this IFR. It will also inflict lasting harm on children from mixed status families, as one in four children has an immigrant parent.²⁰ Research has shown that U.S. children of mixed status families experience “significant emotional and behavioral consequences and detrimental educational outcomes” when they fear their parent could be arrested, detained, or deported.²¹ There is no justification for USCIS' failure to consider these many harms (along with the harm to immigrant children we highlight in Section V).

IV. Building on troubling history of racial discrimination, this IFR will disparately impact people of color and Indigenous communities.

Much as other DHS enforcement initiatives,²² the enforcement of this IFR will likely embolden the use of racial profiling and discrimination. The IFR requires individuals to carry proof of their registration or face the risk of civil or criminal penalties. This could subject countless individuals who DHS suspects, based on their appearance or proxy factors such as the language they speak, that they need to produce such proof. Though the IFR is silent on the implications, there is little doubt that individuals' race or ethnicity will play a central role.

Already, NIJC has documented the unlawful arrest of U.S. citizens profiled by DHS.²³ Julio Noriega was buying a slice of pizza when DHS apprehended him and placed him under arrest for 10 hours. Mr. Noriega is a U.S. citizen who was handcuffed and without food, water or access to a bathroom while DHS unlawfully kept him in their custody. DHS never bothered to check his status, presuming that he was undocumented based on his race or ethnicity alone. DHS' discriminatory practices have also targeted people Indigenous to the United States, leading to a noticeable increase

<https://www.chicagotribune.com/2025/02/10/chicago-restaurant-workers-prepare-as-ice-arrests-cast-fear-uncertainty-over-industry/>.

¹⁹ Nicole Acevedo, “U.S. citizen child recovering from brain cancer removed to Mexico with undocumented parents,” *NBC News* (March 12, 2025), *available at* <https://www.nbcnews.com/news/latino/us-citizen-child-recovering-brain-cancer-deported-mexico-undocumented-rcna196049>.

²⁰ Nicole Acevedo, “1 in 4 children have immigrant parents. Are U.S. policies reflecting that reality?,” *NBC News* (Mar. 14, 2019), *available at* <https://www.nbcnews.com/news/latino/1-4-children-have-immigrant-parents-are-u-s-policies-n982786>.

²¹ Zayas LH, Aguilar-Gaxiola S, Yoon H, Rey GN. The Distress of Citizen-Children with Detained and Deported Parents. *J Child Fam Stud*. 2015 Nov 1;24(11):3213-3223. doi: 10.1007/s10826-015-0124-8. Epub 2015 Jan 18. PMID: 26640358; PMCID: PMC4667551.

²² Jacob Bogage et al., “DHS asks IRS for addresses of people believed to be in U.S. illegally,” *The Wash. Post* (Feb. 28, 2025), <https://www.washingtonpost.com/business/2025/02/28/immigration-enforcement-trump-administration-irs/> (“Dorothy A. Brown, who studies tax policy and racial disparities at the Georgetown University Law Center, referring to the list the DHS sought to send to the [Internal Revenue Service]. “This is racial profiling on steroids.””).

²³ <https://www.washingtonpost.com/immigration/2025/04/05/us-citizens-deported-immigration/>.

in such discriminatory racial profiling since the beginning of the current administration.²⁴

This should come as no surprise when DHS and President Trump have broadly imputed criminality on immigrant communities and have repeatedly used racist and factually unsupported “invasion” rhetoric that has fueled violence against immigrant communities, including mass shootings.²⁵ This rhetoric has escalated to abductions and disappearances of asylum seekers in violation of binding U.S. and international law.²⁶

Finally, this IFR is grounded in a troubling history of white supremacy. After 09/11/2001, DHS required registration under the National Security Entry-Exit Registration System (NSEERS), an infamous and discredited racial profiling program. Over 83,000 men and boys—who were mainly Muslim and Arab—underwent registration under NSEERS, wasting tremendous resources and leading without yielding *any* tangible benefit to national security.²⁷ As a result, many members of these communities were disappeared through detention and deportation while others lived in fear of further targeting.

Prior to this alarming chapter in recent history, the U.S. government required registration of Chinese immigrants during the Chinese Exclusion Act, making large numbers of immigrant workers “vulnerable to arrest based upon the appearance of Chinese ancestry.”²⁸ By 1940, the Alien Registration Act, passed at the height of xenophobic and racist fears towards noncitizens, paved the way for the infamous and indefinite jailing of Japanese immigrants and citizens—a history this administration has sought to recreate with its own unfounded Alien Enemies Act proclamation.²⁹ By issuing and implementing this rule, DHS will further entrench its footprint in a history we should collectively condemn and abdicate to avoid generations of irreparable harm and suffering.

²⁴ See, e.g., Shondiin Silversmith, “Senators call for ICE to respect tribal sovereignty amid immigration enforcement,” *AZ Mirror* (Feb. 25, 2025), available at <https://azmirror.com/briefs/senators-call-for-ice-to-respect-tribal-sovereignty-amid-immigration-enforcement/>; Andrew Hay, “Native Americans say tribal members harassed by immigration agents,” *Reuters* (Jan. 30, 2025) available at <https://www.reuters.com/world/us/native-americans-say-tribal-members-harassed-by-immigration-agents-2025-01-30/>.

²⁵ Ben Zimmer, “Where Does Trump’s ‘Invasion’ Rhetoric Come From?,” *The Atlantic* (Aug. 6, 2019), <https://www.theatlantic.com/entertainment/archive/2019/08/trump-immigrant-invasion-language-origins/595579/>.

²⁶ See, e.g., JT Moodee Lockman & Jacob Rosen, “Judge orders return of Maryland man mistakenly deported to El Salvador,” *CBS News* (Apr. 4, 2025) <https://www.cbsnews.com/baltimore/news/maryland-father-deported-kilmar-abrego-garcia-cccot-administrative-error/>.

²⁷ ACLU, “Homeland Security Suspends Ineffective, Discriminatory Immigration Program” (May 6, 2011) (“Zero for 83,000. That was the government’s terrorism conviction record resulting from several preventive immigration measures that targeted citizens of principally Arab- and Muslim-majority nations. At the heart of these efforts stood the National Security Entry-Exit Registration System or NSEERS.”).

²⁸ Morawetz, *supra* n. 4, at 151-52.

²⁹ *Id.* at 160. Nicholas Riccardi & Will Weissert, Trump Invokes 18th Century Law to Speed Deportations, Judge Stalls It Hours Later, *AP News* (Mar. 16, 2025), <https://apnews.com/article/trump-aclu-deportations-venezuelans-b2566f05b10bf1cde1caf467a3b001cc>.

V. Despite impacting children as young as 14 years old, the IFR is silent on the numerous harmful consequences for children, youth, and their families.

The IFR requires children as young as 14 years old to submit themselves to registration, fingerprinting, and background checks. This could impact children who entered the United States at much younger ages, but upon turning 14 years old will now face this registration requirement. The IFR tasks parents or legal guardians of children with filing for registration on the child's behalf within 30 days of the child turning 14 years old.³⁰ In turn, the IFR is silent on the implications for a child who is not living with a parent or legal guardian, or who lives with one who is abusive or neglectful. Nowhere in the IFR does the Department consider the implications of resurrecting this 1940 legal requirement for children in light of superseding law, policy, and science recognizing the unique vulnerability of children.³¹

The information required for registration may be either unavailable or incomprehensible to children, including unaccompanied children and especially those in federal government custody. Children and their caregivers may not easily be able to access or recall their immigration history, such as their date of arrival. Although the IFR exempts individuals who have a Form I-862, Notice to Appear (NTA) from registration, this may also prove confusing for many unaccompanied children and their families. Unaccompanied children are frequently unaware of the specific documentation they have received due to their age, vulnerability, and lack of legal competency. Moreover, not all children have received NTAs, which DHS must issue and serve on them; even designated unaccompanied children may not have NTAs.³² It remains unclear if children will be able to rely on NTAs as proof of registration, as NTAs frequently include inaccurate biographical and other information and DHS frequently fails to properly serve this document.

In turn, the IFR's sweeping language and requirements are likely to lead to unnecessary registrations of children 14 and older, giving ICE an additional tool to conduct enforcement actions against children and their families.³³ This is particularly troubling because the Office of Refugee Resettlement has begun dismantling legal services for unaccompanied children³⁴ and issued its own IFR for ORR employees to share information about sponsors with ICE.³⁵ Unaccompanied children

³⁰ 90 Fed. Reg. at 11,793.

³¹ See, e.g., *Roper v. Simmons*, 543 U.S. 551 (2005); *In re Gault*, 387 U.S. 1 (1967); *Matter of Devison*, 22 I&N Dec. 1382 (BIA 2000).

³² The IFR is also silent as to whether the service of an NTA or its filing with the immigration court constitute proof of registration. Many unaccompanied children apprehended by DHS receive an NTA, but there are frequently delays in the filing of those NTAs with the immigration courts.

³³ Marisa Taylor, Ted Hesson and Kristina Cooke Trump officials launch ICE effort to deport unaccompanied migrant children, Reuters (February 23, 2025), <https://www.reuters.com/world/us/trump-administration-directs-ice-agents-find-deport-unaccompanied-migrant-2025-02-23/>.

³⁴ Nonprofits sue the Department of Health & Human Services to restore legal services for unaccompanied immigrant children, (March 27, 2025), <https://amicacenter.org/press-releases/nonprofits-sue-the-department-of-health-human-services-to-restore-legal-access-for-unaccompanied-immigrant-children/>.

³⁵ Unaccompanied Children Program Foundational Rule; Update To Accord With Statutory Requirements, 90 Fed. Reg. 13554, RIN 0970-AD16 (immediately rescinding 45 CFR 410.1201(b), which precludes ORR from “shar[ing] any immigration status information relating to potential sponsors with any law enforcement or immigration enforcement related entity at any time”).

in ORR custody are already suffering prolonged delays to reunification with sponsors and family members given the very real threat of immigration enforcement and ORR's recent imposition of increased vetting and documentation requirements for sponsors and family members. If children's sponsors and family members are criminally prosecuted for failing to register or not having proof of registration on their person, children will remain detained even longer awaiting reunification and release, and many will be left without anyone to house and care for them.

VI. Although targeting millions of noncitizens, USCIS fails to consider its impact of language access barriers on compliance and enforcement with this IFR.

Many noncitizens have limited or no English proficiency. They may not comprehend the IFR's new requirements, or need to lean on amateur interpretation and translation services that could lead to errors or improper filings. Nevertheless, USCIS ignores the additional burdens these noncitizens may face to comply with the IFR's requirements and whether these language barriers would unleash penalties. The IFR does not account for any translation of Form G-325R, Biographic Information (Registration) nor for the rule itself. This omission obscures the impact on small entities and organizations that serve limited English proficiency and low-income communities, as well as people with disabilities, and implicates Federal government obligations under Sections 504 and 508 of the Rehabilitation Act of 1973 and Title VI of the Civil Rights Act of 1964.

Most of the clients NIJC serves do not speak or read English proficiently, while many speak Indigenous languages that require access to interpretation and translation services. These clients will face tremendous barriers to comply with the IFR, requiring extensive support from legal service providers like NIJC and language access services. The IFR's silence on the disparate impact on people based on language access is particularly troubling given the penalties these adults and children may face as a result of their failure to register.

Conclusion

Due to the limited timeframe of this comment period and its implementation without consideration of stakeholder input, the abovementioned comments reflect some—not all—of the serious concerns of NIJC with this IFR. Nevertheless, NIJC renews the call for USCIS to rescind this IFR in its entirety, as it fails to acknowledge the sweeping administrative, fiscal and human costs posed by its implementation.

Thank you for your consideration of this comment. Please do not hesitate to contact Azadeh Erfani for further information.

/s/

Azadeh Erfani

Policy Director

On behalf of the National Immigrant Justice Center

aerfani@immigrantjustice.org

