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Submitted via: https://www.regulations.gov
Secretary Kristi Noem
U.S. Department of Homeland Security
2707 Martin Luther King Jr Ave SE
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RE: DEPARTMENT OF HOMELAND SECURITY Interim Final Rule (IFR) entitled "Alien Registration Form and Evidence of Registration", published in the Federal Register on March 12, 2025. 8 CFR Part 264; [CIS No. 2810-25; DHS Docket No. USCIS-2025-0004]; RIN 1615-AC96.

Dear Secretary Noem,

Ayuda writes to provide comments and information related to the Interim Final Rule (IFR) issued by the Department of Homeland Security ("DHS" or "The Department") entitled "Alien Registration Form and Evidence of Registration" that was published in the Federal Register on March 12, 2025.

Ayuda is a 501(c)(3) organization that provides legal, social and language access services to low-income immigrants in Virginia, Maryland, and the District of Columbia. Since 1973, we have served more than 150,000 immigrants through our programs. Ayuda's legal services encompass not only immigration representation, but also family law and protective order assistance for survivors of domestic violence, sexual assault, and stalking in the District of Columbia and Maryland. In addition, through our Project END initiative, Ayuda provides counsel and advocacy for individuals who have been victimized by immigration legal services fraud and other deceptive schemes that disproportionately target low-income immigrant communities. For each of the last several fiscal years, Ayuda has served approximately 3,000 individuals in its direct services programs. In addition to the legal services that Ayuda offers, our social services program provides counseling and comprehensive clinical case management services to hundreds of immigrant victims of violence each year.

Ayuda objects to the implementation and enforcement of the Interim Final Rule (IFR) entitled "Alien Registration Form and Evidence of Registration" and urges the Administration to withdraw it in its entirety.

If it goes into effect in its current form, the rule will imperil the rights and freedoms of immigrants across the country, instill fear within communities, and potentially retraumatize survivors of human trafficking, domestic violence, and victims of crime.

I. The issuance of the IFR without prior notice and opportunity for comment violates the Administrative Procedures Act (APA), is contrary to federal court precedent, and goes against longstanding policies.

A. The IFR violates the APA.

The Administrative Procedures Act (APA), 5 U.S.C. § 553, requires that agencies provide public notice of, and opportunity to comment on, legislative rules before their promulgation. The IFR is a legislative rule – and not a mere procedural rule as DHS claims - because it impacts the rights and interests of parties, imposes new substantive obligations and criminal liability, and collects personal information not required by the statute. Legislative rules, unlike procedural ones, impose binding new obligations and must undergo public notice and comment under the APA.

The IFR is "arbitrary, capricious, an abuse of discretion" and thus prohibited under the APA, 5 U.S.C. § 706(2)(A). This is because DHS departed from longstanding policy without articulating a reasoned explanation for doing so, did not take central aspects of the problems created into account, and failed to consider reasonable alternatives.

The due date for comments to the interim final rule is April 11, the same day that the rule becomes operational. This creates the perception – if not the reality - that the contents of and requirements set out in the IFR are essentially final and that comments submitted by the public will not be considered. Additionally, the deadline for comments on the newly created registration form, the G-325R, is thirty days *after* the form goes into effect, further contributing to the perception that DHS does not truly invite public input.

B. DHS erroneously categorizes the IFR as a procedural rule rather than as a legal rule.

DHS claims that the rule is exempted from notice-and-comment rulemaking under the APA because it is a "procedural" rule rather than a "legal" one. This assertion is wrong because the Rule foreseeably alters the rights and interests of millions of noncitizen parties potentially subject to its requirements. The Department's attempts to support its claim that no party's rights or interests are altered rest on the bare existence of the registration statute. Yet the IFR fails to address its fundamental departure from the actual rare and narrow application of the registration statute over the course of the past 80 years and any history of rulemaking under the statute.

The Rule's conclusion that more than three million noncitizens are now subject to an invasive and mandatory registration process newly created by the Rule underscores the hollowness of the Department's procedural rule exception claim. The Rule not only resurrects a long-abandoned legal scheme but also fundamentally alters it to require millions to provide potentially incriminating information and to voluntarily register and obtain fingerprints in order to be detained and deported – or expose themselves to further criminal liability for failure to comply. The Department further fails to consider the impacts of the criminal penalties that could apply to anyone failing to carry "proof of registration" on their person at all times.

C. The IFR is contrary to federal court precedent.

DHS justifies the denial to the public of a required notice and comment period by citing to a federal precedent [*JEM Broad. Co., Inc. v. FCC,* 22 F.3d 320, (D.C. Cir. 1994)] that allows this step where the agency "does not alter the rights or interests of any party". However, that precedent involved *commercial* interests, in which the court was weighing the rights of a broadcaster to apply for a broadcasting license.

But the IFR advanced by DHS is not some abstract principle that might impact the "rights and interests" of a handful of commercial broadcasters. This interim final rule will implicate the rights and interests of up to 3.2 million individuals (by DHS's own estimate), plus many millions more who live in mixed households of those who are directly impacted by the rule. Those rights and interests, as explained more fully below, include the right against self-incrimination, the right to have procedural requirements available to them in a language they can understand, and many others.

Another case cited by DHS in the Federal Register announcement underscores the critical necessity of federal agencies to look at the human and real-world impacts in deciding whether to forego a formal comment period. In *Mendoza v. Perez, 754 F.3d 1002, (D.C. Cir. 2014),* the court denied an agency's attempt to bulldoze through without opportunity for comment new requirements affecting the wages and housing standards of agricultural workers, because the proposed rule "effects a substantive change in law or policy".

This human-interest focus was followed up in another appellate decision in *Elec. Privacy Info. Ctr. v. U.S. Dep't of Homeland Sec. (EPIC),* 653 F.3d 1, (D.C.Cir.2011). There the court rejected the agency's new procedures (implemented without a comment period) on changes in technology that would be utilized to screen passengers at airports. The court called the agency's minimizing of the impact of the changes as "overly abstract" and criticized it for "elid[ing] the privacy interests at the heart of the petitioners' concern" 653 F.3d at 2-3. The court emphasized that the opportunity for public comment "ensure(s) the agency has all pertinent information before it when making a decision." *Id.* at 6.

Here, DHS has revived a long-dormant statutory provision, an 85-year old law that had not been enforced in decades, created an entirely-new process and form for registration that includes invasive questions, requires registrants to potentially incriminate themselves, and attaches criminal penalties for failure to properly register and carry proof of such registration on their person. Without sufficient justification or analysis, DHS has asserted that "[t]he IFR merely adds another method (the myUSCIS registration process) for compliance with existing statutory registration requirements."

DHS has not complied with the APA and as such has limited its ability to create a better, more efficient, and fairer rule that advances national security interests while upholding human well-being, freedom, and the inherent worth of individuals.

II. The need for DHS to provide the rationale and context for the IFR is especially critical in this instance.

The minimum comment period length is set by the APA. However, the legislative history of the APA suggests that "[matters] of great importance, or those where the public submission of facts will be either useful to the agency or a protection to the public, should naturally be accorded more elaborate public procedures."

Thus, when areas of "great importance or necessitating 'protection to the public'" are involved, more elaborate procedures are in order. While there is no statutory definition of this term, it would logically include proposed rules- as advanced here - that potentially jeopardize the constitutional, liberty, legal, and financial rights of millions of persons. Such procedures would include a detailed explanation by DHS behind the rationale and content of an IFR and a genuine opportunity for public response. Instead, DHS has provided the public with almost no information whatsoever and, as a result, is not affording the public required "meaningful input".

With this IFR, DHS has rushed through dramatic changes to longstanding policy that will impact the rights and activities of millions of people with essentially no explanation. Since 1945, the federal government policy has been to NOT impose a universal registration requirement. Instead, it has relied on existing immigration procedures, such as control over admissions, visa and benefits applications and adjudications in administrative court to screen noncitizens. The government has never before required registration as part of a campaign to prioritize the prosecution of misdemeanor immigration offenses and to encourage "self-deportation."

Not only has DHS not explained the drastic and sudden policy change, it does not even acknowledge the change. To the contrary, three times in its Federal Register announcement, DHS claims that the IFR "does not impose any new registration or fingerprinting obligations separate from the obligations already contained in the Act." The APA's requirement for a meaningful notice and comment period is designed to avoid exactly these types of harms.

DHS also does not acknowledge the impact of these sweeping changes on those impacted. For instance, in the Family Assessment section of the Federal Register notice, DHS shockingly states that the new rules will have ***absolutely no adverse impact*** on affected families:

> DHS has determined that the implementation of this regulation will not negatively affect family well-being and will not have any impact on the autonomy and integrity of the family as an institution. Among other factors, it assessed whether this regulatory action: (1) impacts the stability or safety of the family, particularly in terms of marital commitment; (2) impacts the authority of parents in the education, nurture, and supervision of their children; (3) helps the family perform its functions; . . .

DHS has provided absolutely no information on what analysis was conducted, what was taken into account, and how this self-serving conclusion was reached. This is generally the type of information that is included in an agency's notice regarding proposed or interim rules. In fact, the new requirements will have numerous and multi-faceted adverse impacts on individuals and their families, as described in this comment letter, potentially implicating their rights, livelihoods, and well-being. This gravitates toward a greater level of information and a greater opportunity for meaningful comment, not less.

We imagine that DHS does not feel the need to provide any substantive information to the public via the Federal Register. And that this position is based on the agency's claims that they are not creating new rules, rather just ensuring that existing rules are enforced. But as described below, if implemented in its current form, the IFR will have devastating impacts on a large number of people, citizens and noncitizens alike.

III. The IFR will be utilized primarily as an enforcement mechanism.

A. In the absence of other explanations, the intent to use the registration requirement as an enforcement mechanism seems clear.

The only stated purpose for the IFR in the Federal Register announcement is "to make available another method for aliens to comply with the alien registration requirements of the INA". However, given the bellicose language with regard to non-citizens from this Administration, aggressive immigration enforcement through mass deportations, and so-called "self-deportations" seems to be the true purpose of the IFR.

The Administration has missed no opportunity to demonize and frighten non-citizens. The rule is justified as mandated by E.O. 14159 issued by President Trump, which uses the hyperbolic title of *Protecting the American People Against Invasion.* Further, the IFR seems to be justified by provisions in E.O. 14161, P*rotecting the United States from Foreign Terrorists and Other National Security and Public Safety Threats*, which mandates "the collection of all information necessary for a rigorous vetting and screening of all grounds of inadmissibility or bases for the denial of immigration-related benefits".

On February 5, 2025, Attorney General Bondi issued a memorandum directing that DOJ "shall use all available criminal statutes . . . to support the Department of Homeland Security's immigration and removal initiatives." On that same day, DHS announced the new registration requirement with the heading "DHS Will Use Every Available Tool to Compel Illegal Aliens to Self-Deport." In addition, DHS issued a press release titled "Secretary Noem Announces Agency Will Enforce Laws That Penalize Aliens in the Country Illegally". In it, Noem stated that noncitizens had a choice to register and self-deport or face criminal enforcement, stating that the government would help noncitizens who register "relocate right back to their home country."

B. DHS conflates undocumented and unregistered noncitizens with gang members and criminals.

While U.S. public safety and national security is of paramount importance to all of us, this rule is a response to the Administration's misplaced and exaggerated focus on crime by noncitizens and the assumptions springing therefrom. For example, a January 21, 2025 DOJ memo stated that transnational gangs "*and illegal aliens*" [emphasis added] are responsible for "brutal and intolerant violent crime" which is "escalating rapidly across the country". Though some noncitizens have committed crimes in the U.S., this Administration does not provide a nuanced response distinguishing misdemeanors from more serious criminal activities. Individual violent crimes by noncitizens, while unfortunate, are often highlighted to justify actions like the passage of the Laken-Riley Act.

This is done out of context to actual level of crime by non-citizens. We are not aware of any comprehensive criminal statistics broken down by U.S. citizenship vs non-citizenship. But academics who have studied the issue believe that criminal activity by noncitizens is not out of proportion to the US population at large. The American Economic Review reported that "[a]s a group, immigrants have had lower incarceration rates than the US-born for 150 years. Moreover, relative to the US-born, immigrants' incarceration rates have declined since 1960: immigrants today are 60% less likely to be incarcerated (30% relative to US-born whites)".[1]

[1] *Abramitzky, Ran, Leah Boustan, Elisa Jácome, Santiago Pérez, and Juan David Torres. 2024. "Law-Abiding Immigrants: The Incarceration Gap between Immigrants and the US-Born, 1870–2020." American Economic Review: Insights 6 (4): 453–71. DOI: 10.1257/aeri.20230459*

Likewise, a criminology publication concluded that "[r]esults…reveal that undocumented immigration does not increase violence. Rather, the relationship between undocumented immigration and violent crime is generally negative, although not significant in all specifications…we find little evidence that these results are due to decreased reporting or selective migration to avoid crime."[2]

IV. The IFR will have a wide variety of adverse consequences for those required to register.

A. The IFR will create confusion among would-be registrants that needlessly makes compliance more difficult.

The IFR inconsistently describes the obligation of children to register upon turning 14. The IFR instructs that noncitizens who have previously registered using a form listed in 8 C.F.R. § 264.1(a) or who have one of the forms of evidence of registration listed in 8 C.F.R. § 264.1(b) "need not register again." Id. But elsewhere, the IFR warns that all noncitizen children must register when they turn 14, "whether previously registered or not." Id. at 11797.

The IFR offers no guidance as to whether noncitizens who were previously registered using one of the listed forms, but who were not fingerprinted, must go through the new registration fingerprinting process (or use some other mechanism to ensure the agency has their fingerprints). Many noncitizens who have submitted lengthy and detailed immigration application forms and undergone fingerprinting and biometrics will reasonably believe that they are already registered.

B. The IFR contains other elements that make it difficult or impossible for registrants to comply.

Many noncitizens have a first language other than English and have varying degrees of fluency in English. Yet DHS has not announced any plans to provide instructions, guidance, or the G-325R form in non-English languages. The IFR and the Federal Register are silent on how individuals with Limited English Proficiency can be expected to comply with the new IFR registration requirement.

Noncitizens will be required to download the myUSCIS app to register. However, many noncitizens – including many Ayuda clients - do not possess or have access to a computer or smartphone and/or do not have access to reliable or confidential internet. Some noncitizens who have bilingual children might ask for their help in completing the G-325R but this can lead to errors and, in addition, some responses a parent might put on the form may be confidential or inappropriate for children to see or translate. DHS has not published an intent to provide a printed G-325R form nor to allow registration by mail. The IFR and the Federal Register fail to acknowledge this fact or to explain how these persons can be expected to comply with the new IFR registration requirement.

Persons who are stopped after they have completed the registration form but before it is processed, before they have been given a fingerprint appointment, and/or before proof of registration is received, could be charged with non-compliance if stopped. The IFR does not

[2] *Light, M. T., & Miller, T. Y. (2017). Does Undocumented Immigration Increase Violent Crime?. Criminology: an interdisciplinary journal, 56(2), 370–401. https://doi.org/10.1111/1745-9125.12175*

provide any exception to this scenario, or even recognize this as a potential problem, which could result in wrongful arrest and prosecution.

Many noncitizens are unaccompanied children who do not have legal representation. The IFR requires noncitizens as young as 14 years of age to engage in an adult activity of understanding their legal obligations and how to satisfy those obligations under the IFR. These activities include navigating a new process that involves providing detailed information about themselves, their past addresses, their families, their past criminal activity, and their personal activities; submitting their fingerprints and other biometric information at a federal building; and carrying proof of registration at all times. DHS fails to acknowledge or consider the immense challenges these adult-oriented requirements will impose on many impacted children.

DHS has not provided clear guidance regarding a filing deadline in order to be in compliance. The Federal Register notice summarizes the existing law to state that non-citizens 14 years old and above "who remain in the United States for 30 days or longer" must apply to register and must "be fingerprinted before the expiration of 30 days". Because the law has not been enforced in decades, many if not most affected individuals are already in violation of the statute. Even if they register on April 11, the day the requirements go into effect, noncitizens have no control over how soon fingerprinting will be completed. Essentially, there appears to be nothing to prevent DHS from initiating roundups of noncitizens on April 11 based on non-compliance, even though these individuals would not have had an opportunity to comply.

Many noncitizens will not be aware of the IFR's new requirements. This will be due in large part to the failure of DHS to provide sufficient notice to the public of the new obligations. The agency has not widely publicized the new rules other than on the USCIS website, in the Federal Register, and on Secretary's Noem's brief appearance on Fox News. The Federal Register notice contains no information about how DHS intends to notify the impacted public about this sweeping new obligation.

C. The IFR will unnecessarily require many people who have already provided the required information to register anyway.

Without any explanation, the IFR fails to include existing immigration forms in the regulatory list of accepted registration and proof of registration documents. Among the forms missing from the list are forms I-589 (asylum and withholding of removal), I-914 (T visa), I-918 (U visa), I-821 (TPS), I-360 (for Special Immigrant Juvenile and VAWA self-petitioners). Each of these applications requires the completion of a multi-page form with detailed personal and family information that mirrors the information on the new G-325R. Submission of these applications also triggers USCIS biometrics collection. Yet these applicants are only considered registered under the IFR once they have received an Employment Authorization Document, which often takes a long time. U visa applicants, for instance, typically wait years from the time of application to the receipt of an employment card.

The IFR inexplicably fails to explain—or even address—the decision not to use these existing forms for purposes of registration, ignoring the impact it will have on these groups. In addition to putting unnecessary burdens on these individuals, the new rule entails DHS in the collection of unnecessary and duplicative information from individuals who have already submitted themselves for screening.

V. The IFR will present unique harms to survivors of violence.

For decades, Ayuda has represented noncitizens survivors of violence, assisting them to obtain T and U visas, Special Immigrant Juveniles, VAWA relief, and asylum. Many of our clients and their families could be harmed by the three mandates in the IFR regarding registration, change of address, and proof of possession. Many will be harmed if the new rule is implemented.

A. The registration process may be manipulated by abusers.

The danger posed by potential interference with the process is especially concerning for this group of survivors where threats of deportation or family separation from abusers are common. We are concerned that the registration process may be manipulated by abusers seeking to control, coerce, or intimidate victims. Abusers may deny and delay access to technology required for compliance with the IFR, prevent survivors from appearing at their biometrics appointment, or otherwise obstruct the registration process.

B. The IFR's requirements regarding change of address requirements create needless hardships for survivors.

Safe addresses are commonly used on immigration forms by survivors in order to protect themselves from their abusers. The IFR provides no information or guidance about how the term should be interpreted in the registration context. That is why the complete lack of instructions on completing the form – except for the information provided on the screen – is so concerning. Failure to comply with the registration requirement can have dire consequences for survivors (many of whom live in safe houses or transitional or juvenile housing settings), including potential criminal prosecution and/or removal.

C. The IFR's requirement to possess proof of registration at all times disproportionately impacts survivors.

The possession of proof of registration will disproportionately harm survivors of violence who may be fleeing abuse, or whose abuser has control of their documentation in order to maintain power and control. We strongly encourage DHS to consider factors such as emergencies, victimization, and health conditions, among others, in its criminal, civil and immigration enforcement actions of 8 U.S.C. § 1304(e).

VI. The IFR will have numerous harmful impacts on children.

A. Children and adolescents lack the capacity to comply with the requirements.

Ayuda represents a large number of noncitizen children, both accompanied and unaccompanied, in immigration legal matters and also through its extensive Social Services program. We are alarmed that the DHS intends to impose adult-oriented requirements – and entailing potential criminal exposure – on often-traumatized children as young as 14. Individuals of this age, often living without parental or adult support or in juvenile detention centers, lack the maturity, experience, and often also the literacy, technology, and English language skills, to comply with the IFR.

The thought that this is a reasonable or good idea reflects the outdated nature of the underlying statute. The 85-year old law precedes more recent significant evolution in the law and science

of our understanding of child and adolescent development. This research has led to the evolution of our legal system that now recognizes and accommodates the significant differences, capabilities, and vulnerabilities of children.

B. Traumatized children are at a special disadvantage.

It is critical to appreciate that, in addition to having still-developing brain development, many if not most of the juveniles impacted by the IFR will have a history of trauma. At the very least, all such children will have been uprooted from their homeland at a tender age. Many of them may also have been traumatized by threats of harm or death to themselves or loved ones; by experiencing harm or witnessing harm and/or death of others; by having been trafficked; by having been abused, neglected, or abandoned by older family members, or by other trauma-inducing victimization.

The research shows that trauma in adolescent children can have devastating impacts on their wellbeing. Examples relevant to this analysis of IFR's numerous and complex requirements include:

- Memory – difficulty in accurately recalling past events
- Regressive behavior – such as bedwetting or thumb-sucking
- Learning difficulties – including the ability to learn and focus
- Attention deficit – including difficulty paying attention and staying focused
- Executive function challenges – including in planning, problem-solving, and completing tasks
- Impaired reading skills – including ability to comprehend and retain information

C. Requiring children as young as 14 years old to register and be fingerprinted runs contrary to longstanding norms in the U.S. legal system.

The U.S. criminal legal system has gradually moved towards protecting youth from criminal prosecution for minor infractions. Yet the IFR holds these vulnerable individuals to an unrealistically high standard, given its developmentally inappropriate expectations.

Expecting that a child turning 14 years old would be aware of, understand, and complete the complex registration and biometrics process or face criminal or juvenile prosecution is unduly burdensome, harsh, and unfounded. Nowhere in the Rule does the Department consider the implications of resurrecting a 1940 legal requirement for children in light of extensive superseding law, policy, and science recognizing the unique vulnerability of children.

The information required for registration may be either unavailable or incomprehensible to adolescents. For example, a 14-year-old likely entered the US when very young and will be unable to easily access their immigration history, such as their date of arrival. The Notice to the Rule makes no provisions for developmentally appropriate information or guidance related to the many mandatory questions on Form G-325R. Many questions will be unclear to an adolescent, such as their past and future activities in the U.S.

These enormous challenges will confront the 14-year old whether unaccompanied and possibly living in ORR custody, with a legal guardian, or living with often-traumatized family members. Guardians and families may lack legal representation and face many of the same obstacles as the child. These obstacles include low literacy, insufficient English-language skills, traumatization, limited technological access, and unfamiliarity with the U.S. legal system.

The same challenges also apply to the other IFR requirements. An adolescent, with a still-developing brain, cannot reasonably be expected to know and remember to complete and submit an AR-11 – let alone within ten days – whenever they are moved from one housing situation to another. Similar concerns exist for the proof of registration requirement. Adolescents typically will not have the capability to fully appreciate why they must carry proof with them at all times nor to remember to have it each time they go out in public. Just knowing what, when, and where their biometrics appointment amounts to a possibly insurmountable difficulty, aside from the additional challenge of arranging safe transportation to the correct Application Support Center location.

D. DHS ignores its foreseeable impact on family well-being, integrity, and autonomy.

As mentioned elsewhere in this letter, DHS makes the erroneous claim, without support or analysis, that the Rule's implementation will not negatively affect family wellbeing, nor have any impact on the autonomy and integrity of the family as an institution. Several aspects of the Rule will greatly and adversely impact family wellbeing. Examples include the requirement that children independently register upon turning 14 years of age and the duty for parents or legal guardians to register their children under 14.

Imposing the registration requirement on adolescent children will impact the safety or stability of countless families. It will also interfere with parents' autonomy in the education and supervision of their children. The Rule makes no attempt, for example, to examine the relationship between parental responsibility under the law for children under the age of 18 and this requirement assigning independent responsibility (and implicitly, liability) to children between the ages of 14 and 18.

It is also likely that the Rule's requirement that parents and legal guardians complete the registration process on behalf of their children under 14 years old will impact the safety or stability of the family or the authority of parents in the education, nurture, and supervision of their children. The Rule requires parents to volunteer information about their children that could expose their children to, at minimum, civil immigration enforcement, including detention and deportation. This clearly impacts family wellbeing and the safety and stability of the family, as well as the authority of parents to direct the education, nurture and supervision of their children.

VII. The IFR will have other serious impacts that DHS has failed to acknowledge or consider.

A. The IFR will infringe on registrants' Fifth Amendment privilege against self-incrimination.

The IFR fails to consider or address the fact that the new registration requirement infringes on noncitizens' Fifth Amendment privilege against self-incrimination. The new rule primarily targets noncitizens who entered the United States without inspection and admission or inspection and parole so, essentially, they are in violation of the federal criminal statute 8 U.S.C. § 1325. One of the questions on the newly created form G-325R that requires a response asks, "Immigration status at last arrival". The form provides a blank text box and only one pre-printed text option in the dropdown menu of answers: "EWI – Entry Without Inspection." Moreover, the form requires the submitter to state whether the person has "EVER committed a crime of any kind." Thus, a noncitizen who submits Form G-325R is admitting to the commission of at least one crime.

B. The IFR will lead to racial profiling and attendant infringement of constitutional rights.

Widespread enforcement of the IFR's requirement to possess proof of registration compliance will lead to racial profiling and the mistaken targeting of U.S. citizens. Since January 21, 2025, across several states, U.S. citizens, especially of Hispanic descent and Native American backgrounds, have already been increasingly ensnared in immigration raids and detentions due to the Trump administration's aggressive enforcement policies.

The IFR bears a resemblance to Arizona's Senate Bill 1070, specifically its so-called "show me your papers" provision. This section of the law requires police to demand proof of legal immigration status from people when they had a "reasonable suspicion" to believe that they were illegally present in the US. Litigation was initiated against the law, arguing among other things that this provision resulted in rampant racial profiling against Latinos, Asian Americans, and others based solely on their appearance. As part of the settlement of that lawsuit, the Arizona Attorney General issued an informal opinion in which he instructed police officers to ignore the "show me your papers" provision of the law.

Racial profiling also occurred during implementation of the National Security Entry-Exit Registration System (NSEERS), a program that targeted nationals of several majority-Muslim countries in the wake of 9/11. NSEERS had special registration requirements. Within the first year of the program, 83,000 immigrants had registered, and 13,000 of them had been placed into civil immigration proceedings. Racial profiling was highly suspected in this process. NSEERS was suspended in 2011.

The IRF's requirement to be in possession "at all times" of proof of compliance is particularly susceptible to legal infringement. Because criminal consequences attach to non-compliance, law enforcement would need probable cause that a crime has been committed in order to stop someone to ask for the required proof or to ask for such proof as incident to a law enforcement stop for another reason. In either scenario, this could lead to racial profiling. Additionally, the IFR's implementation without clear and narrowly tailored enforcement guidelines increases the risk of Fourth Amendment violations, as officers may stop and detain individuals without reasonable suspicion or probable cause solely to verify registration status. This creates an unconstitutional presumption of illegality tied to race, a practice long rejected by federal court.

VIII. The IFR will greatly harm Ayuda's clients.

Ayuda Client #1 applied for a T visa a few years ago as a survivor of trafficking. She is also a survivor of domestic violence. She entered the U.S. without inspection in 2011 as an unaccompanied child, at the age of 16 and graduated from high school in the US. She has a young USC child and is currently pregnant with another. She provided USCIS with essentially the same information on her I-914 as the G-325R requires and also has submitted her fingerprints and biometrics. Nevertheless, she would be required to register under the IFR because she has not yet received a work permit based on her pending I-914.

Ayuda Client #2 is another T visa applicant. She was twice the victim of sex trafficking operations in the U.S. and was able to escape both of them. She has U.S. citizen children. She is still suffering from the horrendous effects of the trauma that resulted from her trafficking. Her T visa application is pending but it was submitted before the new rule which allows for deferred action and work permits for T visa applicants went into effect, which is why she does not yet have a work permit.

Ayuda Client #3 is a 15-year-old boy in pursuit of Special Immigrant Juvenile status. His father abandoned him at birth. His mother lived with an abusive partner who abused her as well as our client. At age 7, the child was taken to live with his grandmother, but she died when he was 11. Our client fell into a deep depression because there was no one to care for him in his home country. He made the journey to the U.S. at age 12. Our client has received a predicate order in state court and has a pending I-360. Because he has not yet received a work permit, he would be forced to register under the IFR. He is especially vulnerable due to his young age and lack of English-language proficiency.

Ayuda Client #4 is a U visa client with a pending application. She qualifies for a U visa because she is a survivor of severe domestic violence at the hands of her ex-partner and worked diligently with the police to report and investigate the crime. She has a U.S. citizen child and is not in removal proceedings.
NOTE: It takes about 5 years on average for clients to receive Bona Fide Determinations (BFD) s for U visas; once they receive those, they typically also receive EADs based on the BFD grant simultaneously.

IX. The IFR will greatly harm Ayuda as an organization.

The IFR has already harmed Ayuda as an organization and the harm will likely increase once the new rule is implemented. Ayuda has already seen a large increase in requests for information, legal advice, and assistance from existing clients regarding the IFR's registration and proof requirements. Furthermore, inquiries and concerns regarding the IFR from the community at large have increased. This has interfered with Ayuda's core function of providing immigration legal services. Given the complexity and inconsistencies of the rule, coupled with its nearly universal impact, even existing Ayuda clients who may be considered "registered" will need legal advice to confidently make that determination. This is particularly true for those clients with pending applications or mixed-status households where there is greater ambiguity as to who will need to comply with the process set forth in the new IFR.

In addition, Ayuda receives a significant portion of its funding from grants and contracts that require specific deliverables of immigration legal services. Some of the contracts are paid on a "per case" basis, while others are paid in cycles based on reporting requirements. However, advising and assisting existing clients and other community members on the new rule will not qualify under these grants as deliverables, since those grants fund other specific services. Failure to comply with current grant metrics and reporting may result in loss of the remaining funds under those grants and may jeopardize Ayuda's ability to apply for future ones, resulting in staff layoffs and other cost-cutting measures and consequent reduced ability of Ayuda to assist existing and future clients.

X. Conclusion

For the reasons outlined above, Ayuda strongly urges DHS to withdraw the IFR in its entirety and instead pursue any proposed regulatory changes through proper APA procedures. A transparent process that honors constitutional principles and safeguards the rights of immigrants is not only legally mandated—it is essential to public trust, safety, and fairness

As noted, the IFR is unrealistic and unfair, and ignores immense harm and anxiety to noncitizens targeted by the rule and others who will not have clarity as to whether they are already considered registered. The rule is not hospitable to those who have English language,

technological, literacy and other critical deficits. It does not acknowledge the special difficulties that traumatized persons will encounter in efforts to comply. Many of Ayuda's clients – including survivors of violence and children – and their families will be especially and adversely impacted by these requirements.

We believe strongly that in the future, any proposed or interim rules proposed by DHS that are essentially legislative rather than procedural rules (as this rule is), must be introduced and explained by a true notice and comment period as the APA requires. This would enable commenters to understand the rationale and justification for any proposals and allow the agency to receive and consider responsive and informed comments that can ensure that the most sound and practical procedures are approved and implemented.

Sincerely,

Anusce Sanai

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