

NON-CITIZEN REGISTRATION REQUIREMENT FACT SHEET

The U.S. Department of Homeland Security (DHS) has implemented a non-citizen registration requirement. A legal challenge to the registration program has been denied by a court, and it appears the registration rules will go into effect.

DO NOT PANIC. Read this fact sheet to see if you are covered and potential next steps. This is not legal advice, and you are strongly encouraged to consult with a lawyer before making a decision. Get reliable legal advice first.

What to do next:

If a person is already registered, the only thing to do is to obtain evidence of registration, make a copy, and carry the evidence with you at all times. Many people are already registered.

If you are not registered (or if you are registered and then turned age 14), you should think carefully before you do anything.

Risks if you do register now:

Registering does not give you permission to stay in the United States. Once you register, the government will know you're here and where you live. If you don't have legal status, DHS has said it may begin deportation. The new form asks if you've committed crimes—including illegal entry, drug use (even marijuana), or other offenses. You could face charges based on your answers.

What are the risks if you do not register:

If you do apply for an immigration benefit in the future and have not registered, DHS could use a "failure to register" as a negative factor in deciding your case.

If you do not register, the government can charge you with a misdemeanor crime if your failure to register was willful (on purpose). This could result in a fine and/or imprisonment for up to 6 months.

What the new rules say:

People are being told to register now if they are not already registered. Many members of the DP community are already "registered."

People in the categories described anywhere above do NOT have to register:

- Green card holders;
- People who have been paroled into the US, even if parole has been expired;
- People admitted legally as visitors, students, or other non-immigrants, even if their time as non-immigrant has expired;
- People present in the US who were issued non-immigrant visas (such as visitor or student) before their last arrival in the US;
- People who have been placed in removal proceedings, even if those removal proceedings have been terminated. This includes people whose removal proceedings were ended after "prosecutorial discretion," who have been ordered removed (perhaps after not attending their hearing), people who won or lost their cases before immigration judges, people whose cases are now in front of an immigration judge;
- People with pending or green card petitions
- People issued work authorization cards (EAD) as asylum applicants, or under TPS or other laws.

NON-CITIZEN REGISTRATION REQUIREMENT FACT SHEET (CONTINUED)

The following people are considered not registered, are covered by the new rule and are being told to register:

- People who crossed the U.S. border illegally with no subsequent contact with DHS/ICE/CIS;
- People who applied for TPS or deferred action who were not granted work authorization;
- People who were registered while under the age of 14 and who turn age 14.

We repeat that no one should register now without having carefully thought about the consequences and only after getting reliable legal advice.

Evidence of registration

The law has always required people to carry evidence of registration on their person (in their pocket or purse). You should carry evidence of registration if you are registered. You can carry the original or a copied version. Fold up the evidence and put it in your pocket or purse at all times when in public or at work.

Examples of registration you should have a copy of:

- Green card;
- Work authorization card;
- "Notice to Appear" (NTA) issued to you telling you to report to immigration court (you do not need the final court decision, just the NTA);
- Evidence you ever filed for green card (I-485) or asylum;
- Copy of passport with non-immigrant visa and entry stamp or entry record (I-94 card or entry stamp), even if expired.

What should I do if an immigration officer stops me and asks for my documents?

If you are out in public, a government official must have a reason to believe you are a noncitizen. They cannot guess based on the color of your skin, your job, or where you are located. You have the right to remain silent. You can show the ICE officer a red card or say "I am exercising my right to stay silent, am I free to go?" If you are in your home, you have the right not to let ICE officers into your home and not to answer the door unless they show you a warrant signed by a judge.

You can print a red card here: <https://www.ilrc.org/red-cards> or you may pick them up at the Dream Project office. and access more Know Your Rights tools at <https://www.ilrc.me/protect>.

The information provided above is not legal advice or substitute from seeking legal service. You are advised to consult with a legal professional before making any decisions.