

United States Senate

March 25, 2025

Kika Scott
Senior Official Performing the Duties of the Director
U.S. Citizenship and Immigration Services
5900 Capital Gateway Drive
Camp Springs, MD 20588-0009

Dear Ms. Scott:

The Trump administration will soon resurrect one of the most draconian and discriminatory immigration policies in our nation's history, forcing immigrants to register with the federal government and carry proof of their registration at all times. Bringing back this long-dormant policy is the latest salvo in the Administration's unrelenting campaign to demonize and criminalize immigrants, treating them as threats rather than as individuals seeking opportunity and safety. By reviving a World War II-era registration law, the Administration would take us back to some of the darkest periods of our history, evoking policies that have been widely condemned for their inhumane and immoral treatment of noncitizens. The implications of this measure—both in terms of enforcement and its effect on immigrant communities—are profound, unjust, and unacceptable.

Following up on President Trump's day-one executive order on immigration inaccurately entitled *Protecting the American People Against Invasion*,¹ U.S. Citizenship and Immigration Services (USCIS) has announced that it will soon reinstate an antiquated requirement that all immigrants who did not enter the United States with a visa must register with the federal government and carry proof of their registration at all times.² This provision, originally part of the Alien Registration Act of 1940, had long been rendered obsolete by subsequent immigration policies and practices. Under the new directive, USCIS will develop a registration process for affected individuals, who will then be required to submit a form confirming their presence in the United States.³ Those who fail to register or fail to carry proof of registration will face criminal prosecution under federal law.⁴

The Administration has explicitly linked this revived registration requirement to enforcement efforts, empowering federal prosecutors to target immigrants who fail to comply. This creates a perilous dilemma for immigrants who entered the country without inspection and have had no

¹ Executive Order no. 14159, 90 Fed. Reg. 8443 (Jan. 20, 2025); Elizabeth Goitein et al., *Trump's Doubly Flawed "Invasion" Theory*, Just Security (Feb. 19, 2025), <https://www.justsecurity.org/107699/invasion-theory-trump-immigration-policy/>.

² 8 U.S.C. § 1302; Rebecca Santana, *Trump administration creates registry for immigrants who are in the US illegally*, AP (Feb. 25, 2025), <https://apnews.com/article/illegal-immigrant-registry-trump-border-enforcement-37ce7a345c1617ce3a9427e0ef755021>.

³ Alien Registration Requirement, U.S. Citizenship and Immigration Services (last updated Feb. 25, 2025), <https://www.uscis.gov/alienregistration>.

⁴ *Id.*; 8 U.S.C. §§ 1304, 1306(a).

prior contact with federal authorities. Those who register risk exposing themselves to removal proceedings, while those who refrain from registering face the threat of criminal prosecution. The policy further jeopardizes millions of immigrants—including those with lawful status—by subjecting them to penalties for simply failing to carry proof of registration. Any registration requirement should, at a minimum, present immigrants with a path forward to legal status, like the 1986 Immigration Control and Reform Act did. This legislation led to almost 3 million undocumented immigrants gaining legal status, many of whom ultimately became U.S. citizens.⁵

This registration policy echoes historical precedents that have been widely discredited and condemned. The Alien Registration Act of 1940 was initially implemented during World War II in a climate of fear and xenophobia, requiring noncitizens to register at post offices across the country.⁶ Over time, the policy was integrated into routine immigration procedures, making separate registration requirements obsolete.⁷ More recently, in the wake of 9/11, the Bush administration’s National Security Entry-Exit Registration System (NSEERS) disproportionately targeted Muslim noncitizens, subjecting them to heightened surveillance and leading to mass deportations.⁸ That program was widely criticized for its discriminatory impact and ineffectiveness—having failed to produce a single terrorism conviction—and was ultimately dismantled.⁹ Now, by dusting off and weaponizing an outdated law, the Trump administration is reviving a dangerous precedent that will undermine fundamental civil liberties, disproportionately burden immigrant communities and millions of mixed-status families, and transform America into a “carry your papers” country.

To help us better understand how the Administration intends to implement and enforce its registration policy, please respond in writing by April 8, 2025 to the following questions:

1. How does USCIS plan to implement this registration requirement, and what resources will be allocated to its implementation and enforcement? Will any resources allocated to the implementation and enforcement of this registration requirement be shifted away from, or taken from, any other USCIS programs, functions, or offices?
2. What mechanisms will be in place to ensure that individuals who register are not automatically placed in removal proceedings or expedited removal?
3. The USCIS Alien Registration Requirement webpage includes among those who must register “[a]ll aliens 14 years of age or older who were not registered and fingerprinted (if required) when applying for a visa to enter the United States and who remain in the United States for 30 days or longer.” Does the Trump administration intend to prosecute children ages 14 to 17 for failing to register?

⁵ 8 U.S.C. § 1255a; Research Guide, 1986: Immigration Reform and Control Act of 1986, Library of Congress, <https://guides.loc.gov/latinx-civil-rights/jrca> (last visited Mar. 6, 2025).

⁶ FAQ: Non-citizen Registration Requirement in Trump Day 1 Executive Order, National Immigration Law Center (Feb. 25, 2025), <https://www.nilc.org/resources/faq-non-citizen-registration-requirement-in-trump-day-1-executive-order/>.

⁷ *Id.*

⁸ The Trump Administration’s Registration Requirement for Immigrants, American Immigration Council (Feb. 26, 2025), <https://www.americanimmigrationcouncil.org/research/trump-administration-registration-requirement-immigrants>.

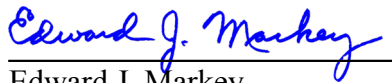
⁹ AILA: Ending NSEERS Closes Dark Chapter in U.S. History, American Immigration Lawyers Association (Dec. 22, 2016), <https://www.aila.org/library/ending-nseers-closes-dark-chapter-in-us-history>.

Does the Administration intend to split up families if one member has failed to register?

4. How will USCIS ensure that immigrants are adequately informed about these new registration obligations? Does USCIS plan to prosecute immigrants who failed to register but were unaware of this new registration requirement?
5. What safeguards exist to prevent racial profiling and discriminatory enforcement practices in the application of this law? What training or guidance, if any, will those responsible for enforcing this requirement on the ground receive? What specific steps will you take to ensure that law enforcement does not use the new registration requirement to disproportionately target certain communities or engage in racial profiling?
6. Who will have access to any registration database and for what purposes? Under what circumstances will USCIS share data in the database?
 - a. Will U.S. Immigration and Customs Enforcement, or any other DHS agency, have access to and be permitted to use information in any database for immigration enforcement purposes? Will any other Department, including the Department of Government Efficiency (DOGE), have access to and be permitted to use the information in the database for any purpose?
 - b. Will any private companies have access to and be permitted to use the information in the database for any purpose?
 - c. Will any states, cities, or localities have access to and be permitted to use the information in the database for any purpose?
7. What information will be collected from immigrants who register and how will this information be stored? What safeguards will be in place to ensure that any registration database is secure from hacking or intrusion? What safeguards will be in place to ensure the protection of sensitive personal data?
8. How will this policy impact immigrants who are already registered through other means, and will they be subject to penalties for failing to carry registration documents?
9. What are the estimated costs associated with implementing this policy, and how does the Administration justify these expenditures given the significant backlog and resource constraints within USCIS?

The Trump administration's decision to enforce this archaic law is a regressive and indefensible move that will have lasting consequences for immigrant communities and the integrity of our immigration system. We urge USCIS to immediately reconsider this misguided policy and provide Congress with a full accounting of its intended implementation and enforcement. We will continue to exercise rigorous oversight to ensure that immigrant communities are not subjected to unnecessary and punitive measures that undermine their rights and dignity.

Sincerely,



Edward J. Markey
United States Senator



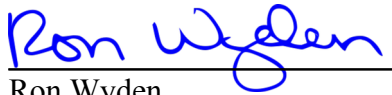
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