

Kiki Scott
Senior Official Performing the Duties of the Director
US Citizenship and Immigration Services
U.S. Department of Homeland Security

cc. Troy Edgar, Deputy Secretary, Department of Homeland Security
Kristi Noem, Secretary, Department of Homeland Security

April 11, 2025

RE: Request to Provide for Public Comment on the Interim Final Rule “Alien Registration Form and Evidence of Registration,” RIN 1615-AC96; DHS Docket No. USCIS-2025-0004.

Dear Senior Official Scott,

By notice issued on March 12, 2025, the Department of Homeland Security (DHS) has published the Interim Final Rule (IFR) on “Alien Registration Form and Evidence of Registration.” **Hispanic Federation (HF)** respectfully submits the following comment in response to DHS request for comment on the IFR, CIS No. 2810-25; DHS Docket No. USCIS-2025-0004. Hispanic Federation ultimately opposed the Rule on both procedural and content bounds as deleterious to citizen and noncitizen communities. The IFR’s attempt to revive a short-lived and discriminatory procedure dating to the 1940s appears unsuited to present needs or understandings. Consequently, the IFR emerges pre-burdened to a sufficient extent that the policy requires a holistic reinvention to effectively and safely meet purposes of government interest.

1. Hispanic Federation Interest in Rule

Hispanic Federation is a nonprofit membership and advocacy organization with a network of over 780 organizations across the country. HF is committed to empowering and advancing the Hispanic community, with a focus on low-income, marginalized, and immigrant Latines. With programs in 43 states, Puerto Rico, the U.S. Virgin Islands and the District of Columbia, HF’s focus areas include immigration, economic empowerment, civic engagement, disaster relief, philanthropy, education, health, and the environment. HF also maintains ongoing immigration services, advocacy and welcome campaigns and meets the organizational development needs of its member agencies through grant-making and capacity-building assistance.

Per DHS' invitation to interested parties to submit relevant written data, views, or arguments on the interim final rule, we address here the IFR's potentially deleterious consequences on orderly management of an economically-effective immigration system, foreseeably egregious burdens placed upon not only immigrant communities but the US population writ-large, capacious requirements which likely outstrip the statutory allowance of the Administrative Procedure Act, and worrying incursions upon crucial Constitutional and civil rights, including due process, privacy, and equal protection.

2. The Interim Final Rule will impose impractical and burdensome requirements upon millions of people

In its attempt to maintain the fiction that the Rule imposes no new requirements, the IFR abstains from acknowledgement or analysis of easily foreseeable costs to individuals subject to the Rule as well as their U.S. communities and Federal, state and local governments. DHS utterly fails to adequately assess the actual costs of enforcing the Rule, claiming that any anticipated compliance-related costs are due to the statute rather than the Rule itself. In reality, the Department seeks to use an obsolete statute in a novel way to criminalize non-U.S. citizens while falsely stating that the cost of enforcing the Rule's requirements and its corollary criminal statutes will be limited to increased "biometric activities" for DHS.

A. Linguistic Burdens

Despite only applying to non-U.S. citizens, the Rule makes no mention of its impact on noncitizens with limited English proficiency or other language barriers. This oversight comes even as almost one-fifth of Americans speak a language other than English in the home, with proportionately higher rates among those born in countries other than the United States. The omission of non-English speakers from the IFR's provisions are an anticipated reflection of EO 14224 that ultimately obscures a number of linguistic costs, including completion and compliance rates, propensity for inaccuracies, and increased temporal and fiscal costs upon the targeted population. These anticipated costs of course say nothing of possible federal obligations under Sections 504 and 508 of the Rehabilitation Act of 1973 and Title VI of the Civil Rights Act of 1964. Research in forensic linguistics validates concerns that bureaucratic engagement in languages other than one's first language are likely to impose hurdles toward comprehension and compliance even among those seeking in good faith to comply.ⁱ Sidestepping linguistic services in enforcing these new guidelines would effectively establish pretextual criminalization of thousands who may be expected to introduce unintentional errors in their applications or find themselves functionally unable to complete the registration process as intended.ⁱⁱ

Hispanic Federation's programmatic work particularly in immigrant integration and broad categories of legal aid speak to the sincerity of linguistic burdens set to be imposed by the implementation of the IFR without translation or other language services. HF's immigration team is fortunate to work with a full-time Mam-Spanish translator, who provides professional language interpretation supporting our legal team. In the last year, Centro, an HF partner, successfully represented a Mam-speaking young man through the asylum process and soon will be representing him in his residency application.

This youth, “R”, fled Guatemala with his father following repeated threats and an assault by non-Indigenous gang members who hurled racial epithets at him. R and his father were separated upon their arrival at the U.S. border, and R’s father was swiftly deported, leaving R alone in the U.S. as an unaccompanied minor.

An attorney filed an asylum application on R’s behalf and fiercely advocated for a Mam interpreter when the Asylum Office failed to provide one on three occasions, each time pressuring R and his attorney to proceed with the interview in Spanish, even though R could not adequately articulate his asylum claim in his non-native language. When interpretation finally was provided thanks to persistent advocacy, R stated his claim powerfully and was granted asylum. In addition, counsel was able to file humanitarian parole applications for R’s father, mother, and siblings pursuant to litigation under the Federal Tort Claims Act. In the year following R’s asylum grant, his parents and siblings have now won their humanitarian parole claims and have joined him in the U.S. The IFR as written would impose steep burdens on those who do not speak English, to say nothing of those like R whose primary tongue is not one of those languages secondarily supported in the United States. Ensuing linguistically-derived comprehension and compliance challenges would risk criminal penalization for those seeking in good faith to comply but who lack the cultural or linguistic resources to do so to the standards laid out by the IFR.

B. Mobility Burdens

The IFR’s requirement that all noncitizens register their addresses and provide notice of change-of-address within ten days of relocation is likely to impose demonstrable barriers to constitutionally guaranteed freedom of movement. As any who have undergone a relocation of any substantial size or duration can attest, moving is a disruptive process on its own. The IFR seeks to remedy predictable lapses in mandatory notification by granting protections in some cases in which “failure [to report relocation] was reasonably excusable or was not willful.” However, the IFR provides no framework by which this clause may be interpreted by either registrants or federal officials, exposing registrants to undue subjectivity. Likewise, a ten-day registration window is a meaningful step imposed between registrants and relocation which raises concerns about the clause’s constitutional validity through the application of the equal protection clause to the Supreme Court’s rulings in *Paul v. Virginia* and *Saenz v. Roe*.

C. Financial Burdens

The IFR purports to be a cost-minimal clarification yet is largely silent on the question of financial costs set to be imposed upon noncitizen registrants through completion and submission of Form G-325R. Such forms frequently mandate outside assistance to ensure compliant completion,ⁱⁱⁱ and prospective registrants are likely to be all the more inclined to seek external support given the steep penalties the IFR would impose upon noncitizens whose registration is not accepted by DHS. These costs would be augmented should DHS proceed with plans to implement a filing fee to support biometric data for registrants.^{iv} Between legal aid, biometric filing fees, and refilings to correct errors or report relocation, the IFR may impose direct and indirect costs upon the noncitizen population exceeding the tens-of millions of dollars. Taken

collectively, this cost amounts to a considerable levy on working families across the country to comply with a new bureaucratic mandate.

D. Bureaucratic Burdens

Hispanic Federation also urges DHS to consider in parallel distinction the bureaucratic costs imposed upon by the IFR onto noncitizen populations. The abovementioned financial and mobility burdens are concomitant to easily anticipatable lost hours to ensuring effective compliance, including planning submission windows particularly during relocation, curing of unintentionally noncompliant registrations, and of course the actual process of completing the Form G-325R itself. With the expected population set to face new registration requirements by the IFR numbering in the millions, the rule proposes a new temporal levy of a commensurate number of manhours. It is not unreasonable to imagine that the temporal-bureaucratic cost of the IFR may lead to effectively unavoidable violation of the rule's terms, in turn producing a vicious cycle leading to either further lost time at best or legal penalties at worst.

Hispanic Federation's work demonstrates the reality of these costs and their ability to swell enormously as unexpected challenges compound. Hispanic Federation and partners have worked with a young woman here referred to as FS. FS migrated to the U.S. when she was 17-years-old. At the time, she was single and the mother of a 2-year-old. When FS and her child came to the U.S., both were arrested at the southern border. Eventually, after undergoing processing with the Department of Homeland Security, they were released to FS's uncle in New York in order to attend ongoing removal proceedings in immigration court. FS started attending her local high school in New York, which is how she ended up learning about our services. Indeed, FS and her child were referred to MRNY's legal team by an MRNY youth organizer who got to know FS through a student group at her school.

After meeting with FS, our team determined that both FS and her daughter were eligible for Special Immigrant Juvenile Status (SIJS)—a special form of relief for youth that have been abandoned, neglected, or harmed by a parent. This type of relief typically requires the intervention of a family court, which normally appoints a caretaker adult as the child's guardian or legal custodian. But just a few months into MRNY's representation, FS's uncle (who could have served as a guardian in this case) left New York, forcing them to move in with a family friend and restart the process. As of today, FS and her child are scheduled to appear in family court later this month. In preparation for that hearing, we have worked with FS and her child's new caretaker to timely start guardianship cases in the Staten Island Family Court.

The case of FS illustrates the numerous intersections at which the requirements of the IFR might impose substantive burdens on the target population. Under the IFR, FS and her child would have had to file repeated change-of-address updates, any delays in which may have impeded their ability to move through the court system. Likewise, the type of rapid relocation that cases like FS and her child's sometimes require could compound with any bureaucratic backlog in processing registrations, potentially leading to those like FS being falsely labeled as out of compliance with registration simply for being more mobile than the framers of the IFR imagined. Simultaneously, were DHS to implement processing fees for the Form G-325R, the financial

burden would have rapidly escalated as she was forced to submit doubled registrations. All the while, these administrative impositions would have stacked on top of schoolwork, childcare, and parallel legal filings through the family court system.

3. Many of these burdens will fall onto those ostensibly not covered by the rule

Coterminous with the IFR's foreseeable costs upon the noncitizen population through new registration requirements, there are also likely concomitant costs upon the rest of the United States population that the proposed rulemaking both fails to consider or take steps to safeguard against, including entrepreneurial burdens, taxpayer expenditures, and administrative and public safety costs.

A. Local Economic Burdens

The government's outline of the IFR does not reckon in sensible detail with the potential economic consequences of the order. There are likely more than 30M noncitizens in the United States,^v and while many will not face new bureaucratic requirements under the rule by virtue of prior registration under alternative means, concerns about appropriate compliance will doubtless extend far beyond the population whose administrative requirements are directly modified by the IFR. The Rule may be reasonably expected to amplify the chilling effect on immigrant workers and students afraid to go to work^{vi} and school^{vii} for fear of exposing themselves and their families to separation, detention, deportation, or, as proposed by the IFR, criminalization. In turn, these inhibitions will hinder local economies by reducing engagement with Main Street businesses by uncertain households. Similarly, the reduction in workforce engagement will stall vital infrastructural projects while simultaneously increasing labor costs.^{viii} Furthermore, research supports the view that increased absenteeism by minority students will reduce educational outcomes for all of their classmates, irrespective of household wealth or racial-ethnic background.^{ix} These disruptions are predictable consequences of disruptive surveillance requirements upon noncitizen populations, whose likely outcomes are foreshadowed by HF's own programmatic work. For instance, an individual enrolled in an HF-partnered AI apprenticeship supporting both first- and second-generation immigrants entered the program with no prior background in artificial intelligence. Through programmatic support and their own drive and initiative, this apprentice successfully completed the Grow with Google Data Analytics course as part of their training. This milestone not only marked a significant achievement in their skill development but also led to a 20% increase in their pay, contributing to U.S. innovation on the frontlines of AI incorporation. Restrictive terms like those of the IFR would instead stifle these initiatives by limiting the exchange of knowledge that comes from the incorporation of fresh talent. Indeed, business and tech sectors have long recognized the significance of attracting and facilitating talent from all shores within the United States.^x In failing to consider these predictable externalities from the Rule, DHS overlooks a critical analytic factor.

B. Bureaucratic Overhead

As implicitly acknowledged by the IFR's focus on criminal penalties for failure to comply with registration requirements, implementation and enforcement of the Rule will require civil and

criminal law enforcement efforts. Given the alleged applicability of the Rule and its underlying statutes to millions of noncitizens in the U.S., enforcement contemplates significant administrative costs including personnel, training, and materials. The IFR's registration and reporting requirements will pose another mandatory bureaucratic touchpoint upon populations who already have greater administrative burdens than the US population at large.^{xi} This expansion of bureaucratic apparatuses warrants a more robust investigation and accounting than provided by the IFR's initial justification.

C. Tax-funded Enforcement Burdens

The abovementioned increase in bureaucratic overhead will of course incur commensurate financial tolls as well that will ultimately be borne by US taxpayers. Nonetheless, the IFR is silent on the anticipated fiscal costs of the Rule's implementation and enforcement by the Department of Justice. Processing new forms, curing errors and enforcing both civil and criminal enforcement mandates on the scale of millions would in turn incur millions if not billions in new taxpayer costs without clear sources for appropriations. In turn, the federal government would be required to either raise taxes or increase borrowing to offset expanded administrative enforcement costs, an externality whose accounting is absent from the IFR logic. These expected taxpayer costs will not only slow business investment but consumer spending as well.

D. Law Enforcement Burden

The anticipated externality imposed upon federal, state, and local law enforcement by the IFR's recording and prosecutorial mandates will dilute law enforcement from its essential duties. On balance, research continues to suggest that even in communities along the US-MX border, immigrants commit fewer crimes than do US-born citizens.^{xii} By invoking the criminal statute at 8 U.S.C. § 1304(e), the IFR contemplates enforcement of the criminal penalty for failing to carry proof of registration. Enforcing this criminal penalty is only possible if law enforcement implements a radically expansive dragnet regime of paper inspection. However, by directing public safety officers toward the enforcement of bureaucratic reporting guidelines rather than property or violent crime, targeted public safety initiatives will be diminished. Furthermore, new enforcement guidelines will reasonably decrease trust of and cooperation with public safety officers by immigrant communities. Research shows that public trust is a paramount factor in the success of law enforcement missions,^{xiii} particularly when it contributes to decline in rates of crime reporting, including by victims, as the IFR is likely to perpetuate.^{xiv} Likewise, enforcement of the IFR would require local public safety officers in many jurisdiction to take on complex interactions with considerable fourth and fifth amendment entanglements without appropriate funding for training in immigration requirements. Consequently, the IFR will likely reduce public safety efficacy on both micro- and macro-scales.

E. Mixed-Status Families

Over 12 million American citizens are members of mixed-status families,^{xv} and will be directly exposed to deleterious consequences of the IFR's terms despite not being themselves apparent targets of the Rule. That number is supplemented by almost 2.5 million lawful permanent residents (LPRs) whose exposure to these costs will increase above-and-beyond the ostensible intent of the Rule. One in four children has an immigrant parent. Studies have shown that U.S. children of mixed status families experience "significant emotional and behavioral consequences and detrimental educational outcomes" as they fear their parent could be arrested, detained, or deported.^{xvi} These households will ultimately be beholden to many of the same costs and requirements, including address reporting, fees, and any essential legal costs as the population targeted by the IFR. Hispanic Federation's work supporting mental health initiatives for Americans regardless of citizenship status confirm the vulnerability mixed-status families experience as their stability and cohesion are threatened by disruptive policies, as well as the opportunities afforded to local communities by supporting sensible, humane, pro-family policy.

4. Inappropriate Procedural Designation (regarding burdens above), including Paperwork Reduction Act Violations

The Paperwork Reduction Act (PRA) requires that forms used for the collection of information for immigration be published in the Federal Register with an initial comment period of 60 days and a follow up comment period of 30 days after comments from the initial collection period have been considered. The purpose of this notice and comment structure is to ensure that the information collection is accurate as to the necessity of the collection and the burden on the public.

The Form G-325R was posted for online filing on March 3, 2025. The IFR was published in the Federal Register on March 12, 2025 which included the information collection notice for the Form G-325R. In sum, the Department made the form available for online filing before the publication of the IFR, and the form has continued to be available during the 30-day delay of the effective date. Further, the Department did not provide individual notice on the form, but included it in a broader comment collection with the IFR, resulting in confusion for the commenting public. No justification was provided for these deviations from procedure

In circumventing the PRA in this manner, the Department has deprived the public of a meaningful opportunity to comment on the form and accurately provide information as to the necessity and burden to the public posed by Form G-325R. As such, the form should be rescinded in its entirety.

Furthermore, as the above comment clarifies, this Rule may readily be expected to have palpable fiscal consequences both on those immediately subject to the terms of the rulemaking and wider communities. DHS's claims that the rules represent negligible change in interest or circumstances for targeted populations numbering in the millions and their wider communities are spurious even on a prima facie basis, buttressing the legal imperative of complete adherence to the terms of the PRA.

5. Economic Consequences

The IFR claims without support or analysis that the Rule will not have a significant economic impact on a substantial number of small entities (such as small businesses). This unsupported assertion disregards easily foreseeable effects of the Rule's implementation, particularly on tourism to the U.S. generally and especially for prospective Canadian visitors, including those who may have previously sought to remain in the U.S. for more than 30 days. The Canadian government recently issued an updated travel advisory for Canadians considering visiting the U.S., while Canadian media has reported on the foreseeable “show-your-papers” impacts of the registration proof carry requirement contemplated by the IFR on Canadian visitors to the U.S.

Moreover, the Rule does not exist in a vacuum. As DHS Secretary Kristi Noem, among others, has made explicit, the IFR represents one piece of a larger effort to effectuate the administration's “mass deportation” goals. Viewed through this lens, the IFR presents even greater economic risks. While 80% of US counties are facing population declines, immigration, particularly by Latinos, is increasingly driving population growth to the point of being responsible for the entirety of growth from 2022-2023.^{xvii} Immigrants comprise vast portions of workers in critical sectors, including construction, farm and food work, and logistics.^{xviii} Immigrant workers are difficult to replace via the US-born workforce, as they largely take on jobs that US-born citizens are disciplined to take.^{xix} Immigrants perennially launch more new small businesses than do those born in the United States,^{xx} and these new businesses have proven essential to maintaining business growth during economic downturns.^{xxi} Furthermore, above-documented impediments to interstate movement imposed by the IFR are likely to contribute to negative downstream economic effects prompted by steady decreases in Americans' geographic mobility.^{xxii} Arguments that policies designed to further large-scale removal of millions of such participants in the US workforce would result in negligible economic consequences defies logic.

Hispanic Federation has programmatic experience with the ways in which policies like those proposed by DHS can chill workforce participation, training, and entrepreneurial investment. Economically chilling effects like these may have inhibited the success of people like CJ, a participant in our bridge program. CJ previously attended college and had a career as an administrator and manager at a bank in Colombia. He was very familiar with tools like Microsoft Office. Now without access to the same tools, he had trouble using Gmail, different Cloud services, and managing his online accounts, as well as with understanding the technology terms in English.

By enrolling in our CDL Class B Bridge program, CJ became eligible for FAC's Brooklyn Digital Accelerator, the digital skilling portion of our bridge program that is supported by the Hispanic Federation grants. Throughout the six-week CDL Bridge Program, CJ attended weekly digital skilling classes. CJ also worked closely with our Digital Navigator to refine his resume and improve his online interviewing skills, practicing responses through role-playing exercises that helped him build confidence. CJ completed his bus driver training at Red Hook on the Road and passed his licensing exam on January 8th. He has since completed orientation at Consolidated Bussing and anticipates assigned to a bus route within the next couple of weeks, thereby supporting himself and the local economy. Were CJ to have instead faced substantial barriers like those posed by the IFR, his training and onboarding may readily have been

disrupted, denying these benefits. This experience informs HF's perspective that the proposal wrongly ignores the significant economic impacts of this Rule on small entities in many U.S. communities.

6. Civil Rights Concerns (Speech, Privacy, Movement, Due Process)

The implementation of the Rule, although being justified as necessary for increased vetting for the purposes of national security, has a *prima facie* racially discriminatory effect. The IFR particularly targets a single group: non-citizens, a target based not only on national origin but also on race and ethnicity. This outcome is hardly surprising; the law which the IFR seeks to revive was historically used to provide administrative support for racially-minded policies like Japanese Internment during WWII, and predecessor statutes undergirded the Chinese Exclusion Acts.^{xxiii} Broadview policies which posit additional administrative and fiscal costs on segments of the population require greater justification to stand up to court-imposed reasonableness tests lest they fall afoul of the equal protection clause, the Civil Rights Act of 1964, and other pillars of keystone civil rights law. Hispanic Federation emphasizes four genres of civil rights which stand to be undermined along racially-discriminatory bases by the proposed IFR: those of speech, privacy, movement, and due process.

A. Speech

The current administration has been active in enforcing ideological terms of Executive Order 14161 with targeted revocation of immigration status including student visas on the basis of speech. The IFR would facilitate this agenda by providing near-universal centralized identifying information for all noncitizens. In so doing, the IFR would contribute to a chilling effect on first amendment protections among noncitizens.

These perils are sharply illustrated in the case of a Venezuelan national named NX, represented in her asylum case by MRNY. Back in her home country, NX worked at a human rights clinic in a state university. Her work focused on advocating for political change and voting rights. As part of her advocacy, she organized political rallies and meetings, all to aid in the opposition of Venezuela's current government. Unfortunately, her work led to backlash from supporters of Venezuela's current regime, leading to death threats targeting NX and her family. Indeed, the situation escalated to the point of a kidnapping attempt against NX's daughter, from which she narrowly escaped.

After watching her family suffer in fear, NX fled Venezuela and made her way to the U.S. Thanks to the Esperanza Initiative, our staff in Westchester County was able to quickly schedule her for a consultation. And after hearing about her experience in Venezuela, our team worked with NX to create a case-plan that included filing an asylum application with the New York Asylum Office. The IFR would have the perverse effect of enabling many of the same speech-based civil rights incursions upon those like NX who came to the United States specifically to evade oppressive anti-speech measures like those employed by the Maduro regime.

B. Privacy

Mandatory registration including of current addresses inherently poses threats to rights to privacy. This challenge to privacy is exacerbated by the IFR's imprecise placement of the new registration system including the Form G-325R within legal obligations imposed by the Privacy Act of 1974. The Privacy Act of 1974 is of course vital legislation undergirding the Constitutional right to privacy as grounded in *Griswold v. Connecticut*, particularly against intrusions by the federal government, as intended for restriction by the fourth and fifth amendments. Fears of excessive surveillance have repeatedly led to the deferral or rejection of universal registration mandates, including the long-running delays in the implementation of the REAL ID Act.^{xxiv} That the Rule makes no exception for registration requirements based on age, only procedural allowances for those under the age of 14 only heightens privacy concerns under the IFR regime. Inadequate proposed privacy protections for this information – particularly stringent residence registration requirements – is not only troublesome in the abstract but poses real potential considerations for the safety of both minors and survivors of domestic abuse. Adequate privacy protections including clear statutory restrictions on how information provided in the Form G-325R must be provided before the IFR can be safely implemented.

C. Movement

As discussed above, the Supreme Court has affirmed and reaffirmed fundamental constitutional rights to freedom of movement for all American residents under cases like *Paul v. Virginia* and *Saenz v. Roe*. Legal requirements to register one's address that carry financial or even potential criminal costs that are themselves imposed unevenly across the US population represent demonstrable risk to freedom of movement.

D. Due Process

The Rule as proposed is silent on the constitutional implications of requiring people to respond to the mandatory questions in Form G-325R. Despite universal fifth amendment protections, irrespective of immigration status, 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.

The explicit criminalization of non-citizen status with the underlying racially discriminatory motive for the Rule will undeniably harm marginalized Black and Brown communities, citizens and noncitizens alike, who are disproportionately incarcerated in the United States. Enforcement of the requirement that proof of registration be carried by noncitizens at all times will necessarily require LEOs exercise subjective discretion in determining which individuals they feel are noncitizens who would be subject to the IFR's requirements. The IFR's terms effectively cannot be enforced without implementing a standard for racial, ethnic, or linguistic profiling.

In turn, enforcement of the IFR as currently written will inevitably result in arbitrary searches, seizures, arrests and detentions that ensnare U.S. citizens in addition to noncitizens based on

subjective notions of “foreignness” held by individual LEO’s. This regime will invariably infringe upon right to due process, including against unreasonable search and seizure, ultimately increasing public safety exposure to and liability for equal protection and civil rights violations. The significant risk of legal consequences stemming from these civil rights incursions against non-citizens, immigrant communities, and Americans warrant strict scrutiny of measures proposed under the IFR.

7. Minor Civil Rights and Community Safety Concerns

The IFR places an alarming requirement on children between the ages of 14 and 18 years old to submit themselves to registration, fingerprinting, and background checks. Subjecting children to invasive reporting requirements raises numerous concerns and belies the outdated nature of the law on which this Rule is based. In the decades since that law was written, our society has seen significant evolution in the law and science of our understanding of childhood and adolescence, including intervening law that recognizes the significant differences and vulnerabilities of children and teenagers.

Although the IFR exempts individuals who have been served a Form I-862, Notice to Appear (NTAs) from registration, this will prove confusing for many unaccompanied children and their families. Unaccompanied children are frequently unaware of the specific documentation they have received, by nature of their age, vulnerability, and lack of legal competency. Moreover, not all unaccompanied children may have received NTAs as until recently ICE maintained a policy of deferring filings with immigration courts of unaccompanied children’s NTAs until those children’s placement with sponsors. Receipt of NTAs for unaccompanied youth has also been hampered by address changes amongst children and families, and by information errors and improper service by the government.

The case of FS discussed above is once again instructive. As a minor single mother forced into vicarious circumstances, she and her child have relocated frequently to maximize safety and opportunity while proceeding through protective family court systems. FS and her child represent a textbook case in which relocation could interfere with receipt of immigration documents which might obviate the necessity of registration. Furthermore, both FS and her child could face separate, independent immigration proceedings initiated through incidental clerical challenges with the IFR’s terms, leading to differential penalization and possibly family separation. This cascading confusion and stress would ultimately impose conditions likely to hinder both FS’s education and the development of her child.

Uncertainty in registration requirements would also risk exposure of minors to potential abuse. Federal and consumer news reports both have continually warned that immigrant populations are recurring targets of fraudsters, scammers, and other ne’er-do-wells, including cases in which hostile actors impersonate federal agents.^{xxv} A universal registration requirement for noncitizens as the IFR proposes will increase the vectors by which vulnerable migrants, particularly minors, may be exploited by bad actors. For instance, Hispanic Federation has worked with a young

woman named “E” is a nineteen-year-old from Guatemala who fled when she was seventeen after being forced to work as a domestic servant at the age of 12. This work in Guatemala led to her being abused and suffering extreme violence. E tried for two years to find an attorney to assist her with her asylum case before retaining CMN in August 2021. All the while, she lived in eastern North Carolina working in food processing, with limited access to high quality, standardized information. E’s circumstances would have rendered her an ideal target for would-be cozeners seeking to prey on newcomers who are unfamiliar with the requirements of the IFR who could exploit those like E while simultaneously hindering compliance with registration requirements.

With such cases in mind, Hispanic Federation urges DHS to reconsider registration requirements to preserve civil rights and public safety protections for minors.

8. Historical Considerations

As discussed above, Americans have traditionally opposed universal or near-universal registration requirements like those proposed by the IFR out of a cultural leering for the prospect of their future misapplication by hypothetical, ill-intended or even authoritarian regimes.^{xxvi} Indeed, universal registration of this sort is largely anathema to American ideals, evoking shameful past episodes like racist enactment and enforcement of the Chinese Exclusion Act and internment of millions of Japanese-Americans during WWII. Universal registration under threat of incarceration or worse has likewise underpinned authoritarian crackdowns throughout world history, whether those requirements were extended universally to specific segments of the population as in Nazi Germany with the German Jewry, or *en masse* as in the USSR in support of late-Stalinist repression.

Names, lists, and mass collection of information enjoy a privileged place in the American imagination. National awareness of tracking and penalization extend from John Hancock’s decision to embrace his anticipated role as a traitor in the eyes of the British Crown to contemporary reconsideration of the role of the TSA in tracking Americans by Sens. Mike Lee and Tommy Tuberville.^{xxvii} Americans of all stripes and status chafe against national registration out of a deep cultural knowledge of the potential toll of such requirements stemming from direct experiences with regimes like those of Communist China or Francoist Spain. The frequency with which totalitarian and authoritarian regimes employ registration requirements speaks to the apparent utility these tools offer.

Once implemented, the IFR could provide a tool by which any future administration could enact targeted, repressive measures against noncitizen residents of the United States who are under the protection of the Constitution. Furthermore, the IFR could enable future expansion of registration requirements to the noncitizen population under nominally voluntary terms under the guise of facilitating enforcement. Authority, once delegated to governing bodies, is rarely yielded or revoked. Subsequently, DHS should take care to consider both the regulatory precedent the IFR would establish and alignment with broader constitutional principles and American ideals.

9. Hispanic Federation Serving Immigration Initiatives

Hispanic Federation and its network have been serving immigrants and particularly asylum seekers for decades through programs coordinating legal aid, representation, and culturally and linguistically competent support upon arrival. As an umbrella organization, Hispanic Federation has a proven track record of designing and launching national, state-wide, and locally focused immigration initiatives, including direct legal, case management, and navigation services to vulnerable migrants and asylum seekers. Programs include:

- *Caminos de Esperanza*: A legal support program serving immigrant communities across the country in conjunction with 12 organizations. HF has provided more than 4,000 legal screenings, and direct representation for more than 1,000 asylum seekers. This program speaks not only to HF's investment in the asylum-seeking process but also the organization's qualification to offer feedback on the IFR.
- *Welcoming New York*: A New York Statewide initiative providing legal screenings for asylum seekers, pro-se assistance for asylum applications, EADs, and Temporary Protected Status applications. This work is conducted in conjunction with both external attorneys and Department of Justice representatives. HF has served over 18,000 immigrants through 33 partner organizations through this program's universal service model. HF's leadership in this program highlights our experience cooperating with federal officials on sensitive agenda, including on asylum.
- *Florida's HELLO Program*: Through Florida's HELLO (Help, Education, Legal Assistance, Listening, Outreach) program, HF conducts monthly workshops with the Orlando Center For Justice to provide immigrant community members, including newly arrived migrants, with culturally and linguistically competent information about the immigration system in America. This includes free legal guidance with trained lawyers and staff to help participants navigate this immigration system. HF's experience serving the immigrant community in Florida is particularly relevant to our assessment of the proposed maritime expansion of the Circumvention of Legal Pathways rule.

10. Conclusion

Hispanic Federation stridently opposes the IFR in both introductory procedure and content. Even cursory examination of the IFR's terms belie DHS claims that proposals stand to implement substantive requirements, particularly with millions slated to be subject to new requirements. By neglecting an array of costs including administrative and fiscal to those subject to requirements as well as economic and justicial on local communities, the IFR spuriously circumvents APA requirements. Likewise, these predicted costs, coupled with anticipated challenges to civil rights and historically-grounded concerns of potential misuse of IFR terms by this or any future administration highlight *de facto* consequences of the Rule sufficient to object

to it in its current formulation. There do exist bona fide arguments for government interest in information about residents – citizens and noncitizens; however, the disproportionate burden placed by the IFR on noncitizens suggest the Rule is likely to prove deleterious – even intentionally so – to those subject to its terms, and therefore exceeds that government interest, crossing into equal protection violations. Hispanic Federation therefore advises DHS against adoption of this rule, and is prepared to offer guidance on alternative policies that support noncitizen investment in federal systems *en bona fide*.

Sincerely,

Julietta Lopez
Vice President for Federal Advocacy and Network Mobilization
Hispanic Federation

ⁱ For instance, Gail Stygall, “Textual Barriers to United States Immigration,” in Janet Cotterill, ed., *Language in the Legal Process*, (MacMillan: New York, 2002), 35-53.

ⁱⁱ Functional here in the technical sense of functional (il)literacy, which may pose borderline insurmountable burdens for those without outside assistance which will only be steepened by those approaching forms from an extra-lingual perspective. See for instance Réka Vágvölgyi et al., “A Review about Functional Illiteracy: Definition, Cognitive, Linguistic, and Numerical Aspects,” in *Frontiers in Psychology*, 2016 Nov 10;7:1617.

ⁱⁱⁱ Stygall, “Textual Barriers” is again instructive in this case.

^{iv} IFR, pp. 78.

^v [https://ohss.dhs.gov/sites/default/files/2024-](https://ohss.dhs.gov/sites/default/files/2024-11/2024_1108_ohss_lawful_permentent_resident_population_estimate_2024_and_revised_2023.pdf)

[11/2024_1108_ohss_lawful_permentent_resident_population_estimate_2024_and_revised_2023.pdf](https://ohss.dhs.gov/sites/default/files/2024-11/2024_1108_ohss_lawful_permentent_resident_population_estimate_2024_and_revised_2023.pdf)

^{vi} <https://www.cnn.com/2019/07/12/us/immigration-ice-raids-fear/index.html>; <https://www.npr.org/sections/shots-health-news/2025/02/10/nx-s1-5290063/migrants-chicago-delayed-health-care-immigration-crackdown-fears>.

^{vii} <https://www.wcvb.com/article/fear-of-ice-causes-some-immigrants-to-avoid-work-school/63656352>;

<https://cnnespanol.cnn.com/2025/03/06/eeuu/temor-redadas-escuelas-eeuu-medidas-trump-orix>

^{viii} <https://www.nahb.org/advocacy/industry-issues/labor-and-employment/immigration-reform-is-key-to-building-a-skilled-workforce/concentration-of-immigration-in-construction-trades>; <https://www.axios.com/2025/01/24/trump-immigration-construction-industry>; <https://www.nbcnews.com/data-graphics/tough-immigration-laws-construction-workers-home-builders-rcna82540>;

^{ix} For instance: Roslyn Arlin Mickelson, Martha Cecilia Bottia, and Richard Lambert, “Effects of School Racial composition on K-12 Mathematics Outcomes: A Metaregression Analysis,” *Review of Educational Research*, vol. 83, no. 1; 2013. Pp 121-158.

^x <https://okbusinessvoice.com/2023/07/27/to-stay-competitive-in-global-market-u-s-needs-more-foreign-professionals-immigration-policy-expert-says/>; <https://www.visabusinessplans.com/blog/2025/january/h-1b-visas-the-secret-weapon-small-businesses-ne/>

^{xi} E.g. Donald Moynihan, Julie Gerzina, and Pamela Herd, “Kafka’s Bureaucracy: Immigration Administrative Burdens in the Trump Era,” in *Perspectives on Public Management and Governance*, Vol. 5, Iss. 1, (March 2022). p22-35.

^{xii} E.g. Texas police made 815,689 arrests of native-born Americans, 37,776 arrests of immigrants in the country illegally and 20,323 arrests of legal immigrants. Given the relative populations for each group, he wrote.”

<https://www.factcheck.org/2018/06/is-illegal-immigration-linked-to-more-or-less-crime/>;

<https://www.npr.org/2024/03/08/1237103158/immigrants-are-less-likely-to-commit-crimes-than-us-born-americans-studies-find>.

^{xiii} E.g. Julie Patterson-Gordon, “The State of Policing,” in *Governing*, (Spring 2025), p27-33.

^{xiv} Hamutal Bernstein, Dulce Gonzalez, and Diana Guelespe, “Immigrant Families Express Worry as They Prepare for Policy Changes,” (Urban Institute: March 2025), p. 10.

^{xv} <https://www.fwd.us/news/mixed-status-families-oct/>

^{xvi} Luis H Zayas et al., “The Distress of Citizen-Children with Detained and Deported Parents,” in *J. Child. Fam. Studies*, 2018.

^{xvii} <https://www.nbcnews.com/news/latino/immigration-accounted-us-population-growth-2022-23-first-time-1850-rcna196052>

^{xviii} https://www.jec.senate.gov/public/_cache/files/6750b0f0-c851-4fee-9619-295582fd44e8/immigrants-are-vital-to-the-us-economy-final.pdf; <https://www.pewresearch.org/race-and-ethnicity/2016/11/03/occupations-of-unauthorized-immigrant-workers/>; <https://www.wusf.org/politics-issues/2023-11-30/undocumented-living-working-floridas-strict-immigration-law-palm-beach>.

^{xix} <https://www.jsonline.com/story/news/2024/11/18/u-s-voters-say-immigrants-mostly-take-jobs-others-dont-want/76331228007/>

^{xx} E.g. <https://news.mit.edu/2022/study-immigrants-more-likely-start-firms-create-jobs-0509>; research also shows that these entrepreneurial enterprises are businesses of opportunity, rather than necessity as had been occasionally posited.

^{xxi} <https://ssrn.com/abstract=3681002>

^{xxii} <https://www.theatlantic.com/magazine/archive/2025/03/american-geographic-social-mobility/681439/>

^{xxiii} Nancy Morawaetz and Natasha Fernandez-Silber, “Immigration Law and the Myth of Comprehensive Registration,” in *University of California, Davis Law Review*, Vol. 48, No. 141: 2014. 141-205.

^{xxiv} See: Morawaetz or Rachel Marvin, “The Real ID Act: Real consequences involving immigration status & eligibility requirement concerns for immigrants,” in *Equal Rights and Social Justice*, Vol. 26, issue 3. 499-524.

^{xxv} <https://consumer.ftc.gov/consumer-alerts/2023/05/avoiding-scams-target-immigrants>; <https://www.aarp.org/money/scams-fraud/criminals-target-ethnic-communities/>; <https://www.latimes.com/california/story/2025-03-20/ice-impersonators-scams-target-immigrants-tips-to-protect-yourself>

^{xxvi} Morawaetz and Marvin are again instructive on Americans’ reticence toward universal registration or federal ID requirements.

^{xxvii} <https://www.foxnews.com/politics/republicans-look-abolish-tsa-favor-private-security-airports>