



News & Types: Immigration Monthly Updates

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## **ALIEN REGISTRATION REQUIREMENT IN EFFECT**

As reported in our recent client advisory, [New Registration Requirement for Noncitizens in the United States | Masuda Funai](#), the Alien Registration Requirement became effective on Friday, April 11th. Individuals who are required to register have 30 days from April 11th to complete the registration process. Failure to comply may result in civil and criminal penalties.

### Who must register?

- Non-U.S. citizens aged 14 and older who were not registered upon visa application (did not have their fingerprints taken as part of the visa application processing) and who plan to stay in the United States for 30 days or longer. Please note that fingerprints are not taken of children under the age of 14 when they apply for a visa. The registration must occur before the expiration of the 30 days.
- Non-citizen children, including visa holders (issued an I-94), Visa Waiver/ESTA entrants (issued an I-94W), and Permanent Residents (Green Card holders) who turn 14 years old while in the United States and who will remain in the U.S. for 30 days or longer must, must register within 30 days of their 14th birthday. Permanent Residents who received their Green Card before their 14th birthday are required under the law to apply for a replacement Green Card on their 14th birthday.
- The parents or legal guardians of non-citizen children less than 14 years of age must apply for the registration of their children who have not been registered and remain in the United States for 30 days or longer. The registration must occur before the expiration of the 30 days.
- Canadian nationals who enter the United States without a visa and who were not issued a Form I-94. Typically, this will apply for Canadians who enter at a land border. Canadians applying to enter the United States at land port of entry can specifically request to be processed for a Form I-94, paying the applicable fee. Canadians who do not have a Form I-94 and will not depart before May 11, 2025 must register.
- Non-citizens who entered the United States without inspection and have not yet registered.

Individuals concerned about the registration requirement can proactively register.

Instructions on how to register by creating an online account with U.S. Citizenship and Immigration Services (USCIS) and submitting Form G325R can be found here: [Alien Registration Requirement | USCIS](#). Individuals cannot register by mail. Instead, the registration process has to be completed online.

After registering and appearing for biometrics/fingerprinting, if required, DHS issues evidence of registration, which persons over 18 must always carry. Note that, although legally required, completing registration does not provide any immigration status, establish employment authorization, or provide any other right or benefit under the INA or any other U.S. law.

Additionally, all non-U.S. citizens (including Permanent Residents) must report a change of home address within 10 days of moving. Information about how to notify the government of an address change can be found here: [How to Change Your Address](#).

Failure to comply with the Alien Registration Requirement or the requirement to report home address changes within 10 days of moving may result in significant criminal and civil penalties, including misdemeanor prosecution, fines, and even incarceration.

## **DOS REVOKES VISAS AND DHS TERMINATES SEVIS RECORDS OF MANY INTERNATIONAL STUDENTS**

Within the past month, it has been reported that more than 4,736 international students have had their visas revoked and their Immigration and Custom Enforcement's (ICE) Student and Exchange Visitor Information System's (SEVIS) records terminated. ICE monitors students' and exchange visitors' compliance with their F, M or J status through SEVIS. Previously, if an international student had his/her visa revoked by the U.S. Department of State (DOS), it would not affect his/her SEVIS record. However, the visa revocations within the past month have been accompanied by a SEVIS record termination. Also, some international students have indicated that they received notice from their schools about the SEVIS terminations but have not received correspondence from the U.S. consulate overseas informing them that their visas have been revoked.

According to ICE's Student Exchange and Visitor Program (SEVP) website, when an international student's SEVIS record is terminated, the following happens:

- Student loses all on- and/or off-campus employment authorization.
- Student cannot re-enter the United States on the terminated SEVIS record.
- ICE agents may investigate to confirm the departure of the student.
- Any associated F-2, [J-2] or M-2 dependent records are terminated.

Additionally, international students are not able to timely comply with the numerous program reporting requirements of the F, M and J programs when their SEVIS records are terminated.

The international students who have had their visas revoked and SEVIS records terminated have not been provided with a specific reason as to why the revocation/termination has occurred by either ICE or DOS. Some have had some minor criminal offense within the past 10 years which may have been dismissed and would not result in being removed from the United States. Others who have not had a criminal arrest are not sure as to why their visas have been revoked and SEVIS record terminated.

International students who have had their SEVIS records terminated generally have 3 options: 1. Leave the United States; 2. Apply for reinstatement through the USCIS; or 3. File a lawsuit against the government challenging the SEVIS termination. Each option has different considerations which must be carefully reviewed and considered. Masuda Funai has been consulting with numerous international students regarding the three above options.

Additional information about the F/M/J visa revocations and SEVIS terminations will be contained in future Masuda Funai Business Immigration Newsletters when it becomes available.

### **RECENT GOVERNMENT ACTIVITY SHOULD MAKE YOU THINK TWICE ABOUT WHAT YOU POST ON SOCIAL MEDIA**

You have seen or heard the reports of individuals, including Permanent Residents/Green Card holders, students and other non-citizens being detained or removed from the United States for their social media or other posts and question if the First Amendment of the U.S. Constitution protects free speech, then how is the possible?

In the Executive Order “Protecting The United States From Foreign Terrorists And Other National Security And Public Safety Threats,” the current Administration took a stand to protect American from foreign nationals applying for visas and entry to the United States and those already in the United States who “bear hostile attitudes toward its citizens, culture, government, institutions, or founding principles, and do not advocate for, aid, or support designated foreign terrorists and other threats to our national security.” This Executive Order directed the Secretary of State, Attorney General, Secretary of Homeland Security, and Director of National Intelligence to establish or further enhance screening and vetting programs of non-citizens. On April 9, 2019, DHS announced that to comply with President Trump’s Executive Orders on Combating Anti-Semitism, Additional Measures to Combat Anti-Semitism and Protecting the United States from Foreign Terrorists and Other National Security and Public Safety Threats, it would specially be looking at social media information of individuals who are applying for a visa, applying for Permanent Resident status, as well as foreign students and other non-citizens who are in the United States.

For individuals who will apply for visas and future entry to the United States, the Secretary of State is ordering Consular Officers to screen all visa applicants for “potential security and non-security related ineligibilities” with an emphasis on national security. Other possible reasons to be denied a visa can, but are not limited to, health-related grounds, criminal grounds, controlled substances, human rights violations, as well prior immigration violations. Since May 31, 2019, visa applicants have been asked to provide all social media identifiers they have used in the preceding five years. Information is to be provided for each social media platform listed including (but not limited to) ask.fm, Douban, Facebook (Meta), Flickr, Google+, Instagram, LinkedIn, Myspace, Pinterest, Qzone (QQ), Reddit, Sina Weibo, Tencent Weibo, Tumblr, Twitter (X), Twoo, Vine, V Kontakte (VK), Youku, and You Tube. If the individual has more than one identifier for a platform, each identifier is to be separately provided. Responding to the social media identifier question is mandatory and failure to respond accurately and truthfully may result in the denial of the application, or worse, a determination that a misrepresentation was made. While Consular Officers are not supposed to request the password for the

particular identifier, they have now been instructed to conduct a mandatory social media review, save screen shots of potentially derogatory information, and request a Security Advisory Opinion (SAO) before issuing the visa. Following this procedure, it is likely that many visa applicants, particularly those formerly in the United States as F/M/J student, will have their visa applicants placed in administrative processing – which is a delay in the visa issuance.

Under the existing immigration law, any non-citizen in the United States, also faces the possibility of having their visa revoked at the discretion of the Secretary of State (8 U.S.C. § 1201(i)). Such visa revocation is to be sent to the Attorney General who is empowered to take additional action, such as commencing deportation proceedings (8 U.S.C. § 1227 (a)(1)(B)). This authority is not subject to judicial review or a writ of habeas corpus.

The U.S. Constitution including the rights under First Amendment apply to individual within the borders of the United States, they do not apply to persons who are not present in the United States. If an individual was in the United States and then departs, his/her privilege of having protection under the Constitution no longer applies.

### **“BIG BROTHER” IS WATCHING AND WHAT YOU NEED TO KNOW**

The current Administration is on a rampage evaluating who is eligible to come to the United States and remain in the United States. The vetting process is not solely part of the initial immigration petition, visa application or entry to the United States, but can continue on a weekly basis for the duration of time while in the United States.

The U.S. government has various agencies and systems in place to vet and monitor noncitizens who are in the United States – the focus being national security as well as the current mission to identify immigration violations (overstaying or violating the terms of the visa). Authority to collect such data began under the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. Personally Identifiable Information (PII) such as name, date of birth, gender/sex, country of birth, country of citizenship, passport information, visa information, driver's license/state ID information, Social Security Number, addresses, family members, U.S. arrivals/departures, criminal history and immigration history (approvals/denials from initial petition to naturalization) are incorporated to a LeadTrac database. Data is received automatically from other government agencies and law enforcement systems as well as via manual input.

Government databases that share information include the Advance Passenger Information System (APIS), Arrival and Departure Information System (ADIS), Electronic Systems for Travel Authorization (ESTA) of U.S. Customs & Border Protection (CBP), the Consular Consolidated Database (CCD) of the U.S. Department of State (DOS), Computer Linked Application Information Management System (CLAIMS 3) of U.S. Citizenship & Immigration Services (USCIS), Executive Office of Immigration Review (EOIR) of the U.S. Department of Justice (DOJ), the Student and Exchange Visitor Information Systems (SEVIS) of Immigration and Customs Enforcement (ICE), as well as the Automated Biometric Identification System (IDENT), Enforcement Integrated Database (EID), ATS Hotlist/Federated Query and Central Index System (CIS). The government may also add publicly available information of individuals from the internet, social networking and social media to the LeadTrac database. Information from federal, state, local and tribal law enforcement agencies is also reviewed.

The LeadTrac database can identify individuals who are suspected of overstaying their visa as well as status violators – such as individuals who work without authorization, are arrested or remain in the United States longer than authorized. These leads are investigated and follow-up actions, such as revoking a visa or commencing removal/deportation proceedings may be taken. Data in LeadTrac may be retained/archived for twenty-five years or longer.

Given the current focus vetting noncitizen who are coming to and remaining in the United States for any reason, individuals should be cognizant of what they do while in the United States and what they post on the internet, with whom they social network, and what they post/like on social media.

### **USCIS TO CEASE COMMUNICATING WITH SSA REGARDING ISSUANCE OF MOST SSN**

The Social Security Administration (SSA) has reportedly frozen its Enumeration Beyond Entry (EBE) program that automatically processes Social Security Numbers (SSNs) and sends the Social Security cards through the mail for newly naturalized U.S. citizens and noncitizens granted work authorization. The change will force those people to visit Social Security Field Offices.

The EBE program previously operated under an agreement between the SSA and USCIS. It is unknown whether the freeze is permanent. Individuals granted permanent residence status are also covered under the EBE program but are reportedly exempted from the freeze.

The freezing of the program on March 19, 2025 was reportedly implemented by the Department of Government Efficiency (DOGE), without any formal announcement from the government.

The Chicago Chapter of the American Immigration Lawyers' Association's (AILA) SSA Committee has confirmed that individuals who have approved work permits and do not already have SSNs will need to apply for a social security number at their local office. Individuals who become citizens will need to go to their local office to update their citizenship status with the SSA.

Most SSA Field Offices require an appointment to be made to apply for a social security number. Applicants can also utilize the [Online Social Security Number Application \(oSSNAP\)](#) process to complete and avoid having to call to setup an appointment.

In 2024, USCIS approved initial employment authorization documents for over 3.24 million people. Without the EBE program, those people will be required to visit a SSA field office to obtain a SSN and card. Reportedly this will result in 60,000 to 75,000 additional in person visits to SSA Field Offices to obtain SSNs leading to longer waiting times for everyone seeking services. This change comes as the SSA is cutting 7,000 jobs, or 12% of its workforce, which was already at a 50-year low in staffing.

### **REAL ID REQUIREMENTS TAKE EFFECT MAY 7, 2025**

On May 7, 2025, U.S. travelers must be REAL ID compliant to board domestic flights and access certain federal facilities. A REAL ID is a driver's license or ID card that is also a federally accepted form of identification. REAL ID cards have a star in the upper-right hand corner-right corner.



Beginning May 7, 2025, every person 18 years and older will be required to present a REAL ID-compliant state-issued driver's license or ID card or another acceptable form of identification to board a flight within the United States or enter a secure federal building. Other acceptable forms of identification include the following:

- U.S. passport or U.S. passport card.
- DHS trusted traveler cards (Global Entry, NEXUS, SENTRI, FAST).
- U.S. Department of Defense ID, including IDs issued to dependents.
- Permanent resident card.
- Border crossing card.
- An acceptable photo ID issued by a federally recognized Tribal Nation/Indian Tribe, including Enhanced Tribal Cards (ETCs).
- HSPD-12 PIV card.
- Foreign government-issued passport.
- Canadian provincial driver's license or Indian and Northern Affairs Canada card.
- Transportation worker identification credential.
- U.S. Citizenship and Immigration Services Employment Authorization Card (I-766).
- U.S. Merchant Mariner Credential.
- Veteran Health Identification Card (VHIC).

Additional information and local resources can be found here: [REAL ID | Homeland Security](#).

## **MAY 2025 VISA BULLETIN UPDATE**

The DOS recently issued the May 2025 Visa Bulletin. During May, noncitizens in the employment-based classifications as noted below become eligible to concurrently file for an employment-based immigrant classification or, if approved for an employment-based immigrant classification can apply for permanent resident status through adjustment of status ("AOS"). During May, noncitizens in the employment-based classifications as noted below who have their AOS application pending or who will complete the Immigrant Visa processing at a U.S. Consular Post become eligible to have their AOS application approved or their interview scheduled in May 2025. USCIS advised that is using the "Final Action" date chart to determine eligibility for filing applications for adjustment of status in May.

### **First Preference**

- Persons eligible for the employment-based 1st preference category (Multinational Managers/Executives, Outstanding Researcher/Professors or workers recognized for their Extraordinary Ability) who were born in any country other than India or China.
- **China-born** persons having an approved Immigrant Petition (Form I-140) in the employment-based 1st preference category (Multinational Managers/Executives, Outstanding Researcher/Professors or workers recognized for their Extraordinary Ability) whose priority date is before **November 8, 2022**, no change since October 2024.

- **India-born** persons having an approved Immigrant Petition (Form I-140) in the employment-based 1st preference category (Multinational Managers/Executives, Outstanding Researcher/Professors or Workers recognized for their Extraordinary Ability) whose priority date is before **February 15, 2022**, no change since April 2025.

#### Second Preference

- Persons born in any country other than India or China having an approved Immigrant Petition (Form I-140) in the employment-based 2nd preference category (Advanced Degree Professionals, workers recognized for their Exceptional Ability, or individuals qualifying for a National Interest Waiver) whose priority date is before **June 22, 2023**, no change since April 2025.
- **China-born** persons having an approved Immigrant Petition (Form I-140) in the employment-based 2nd preference category (Advanced Degree Professionals, workers recognized for their Exceptional Ability, or individuals qualifying for a National Interest Waiver) whose priority date is before **October 1, 2020**, no change since April 2025.
- **India-born** persons having an approved Immigrant Petition (Form I-140) in the employment-based 2nd preference category (Advanced Degree Professionals, workers recognized for their Exceptional Ability, or individuals qualifying for a National Interest Waiver) whose priority date is before **January 1, 2013**, no change since April 2025.

#### Third Preference

- Persons born in any country other than India or China having an approved Immigrant Petition (Form I-140) in the employment-based 3rd preference category (Professionals or Skilled Workers) whose priority date is before **January 1, 2023**, no change since April 2025.
- **China-born** persons having an approved Immigrant Petition (Form I-140) in the employment-based 3rd preference category (Professionals or Skilled Workers) whose priority date is before **November 1, 2020**, no change since April 2025.
- **India-born** persons having an approved Immigrant Petition (Form I-140) in the employment-based 3rd preference category (Professionals or Skilled Workers) whose priority date is before **April 15, 2013**. This is an advancement of 14 days.

The DOS, which manages the Visa Bulletin, notes its intention to keep visa issuance within quarterly limits in accordance with the provisions of the Immigration and Nationality Act (INA).

#### CBP'S K-9 UNIT SCORES BIG MONEY

When arriving at the baggage claim area in an international arrivals section of a U.S. airport, you may see a Customs and Border Protection (CBP) Officer leading a dog. The CBP canine (K9) unit play a significant role sniffing out items not permitted to be brought to or taken out of the United States including food items, plants, illegal drugs, firearms and money.

At the Dulles International Airport in Washington D.C., Fuzz, a four-year old Labrador retriever, and Cigy, a two-year old German Shepard mix, are on a roll and have detected more than \$171,000 in unreported bulk

currency departing the United States by international travelers since March 5, 2025. While U.S law has no limit on the amount of money to be brought to or taken from the United States, there is a requirement to report to CBP any amount of \$10,000 or more. Failure to make the report can result in forfeiture of money and potential criminal prosecution for bulk currency smuggling. Travelers entering or departing the United States with \$10,000 or more are now able to file the required Currency and Monetary Instrument Report (FinCEN Form 105) on-line.

## **MFEM NEWS**

### **Bob White to Meet with DOL WHD in DC to Discuss DOL Enforcement Issues**

Bob White, Co-Chair of the Masuda Funai Immigration Group, will be leading a meeting with national Immigration Branch Leadership of U.S. Department of Labor's (DOL) Wage and Hour Division (WHD) in Washington, DC. Mr. White is Chair of the American Immigration Lawyers Association's (AILA) DOL Committee. The Committee will be discussing current immigration enforcement issues with WHD in the H-1B LCA program, the H-2A program and the H-2B program.

*Masuda Funai is a full-service law firm with offices in Chicago, Detroit, Los Angeles, and Schaumburg.*