

April 10, 2025

The Honorable Kristi Noem
Secretary
Department of Homeland Security
Washington, D.C. 20528

The Honorable Kika Scott
Acting Director
U.S. Citizenship and Immigration Services
Camp Springs, M.D. 20746

Secretary Noem and Acting Director Scott,

As members of Congress, we express our strong opposition to the recently released Interim Final Rule (IFR) on “Alien Registration Form and Evidence of Registration” published on March 12, 2025, which would coerce undocumented immigrants to not only register their presence, but also to surrender their biometric identification to the United States government. The rule, as written, raises serious constitutional concerns, fails to adequately address privacy protections, and does not seriously consider the costs imposed on federal, state, and local governments as a result of its implementation and enforcement.

The IFR weaponizes an obsolete World War II-era registration requirement for immigrants through the Alien Registration Act of 1940. *See* 8 U.S.C. § 1302. The registration requirement mandates that non-citizens 14 years of age and older who are staying in the U.S. for 30 days or more and have not already applied for a visa or undergone certain other immigration processes must register and be fingerprinted within 30 days. It is clear that the data collected through registration will be used for detention and deportation, and non-compliance will result in criminal penalties.

We find it particularly egregious that the Trump Administration continues to attempt not only to further criminalize the immigration process, but also to undermine constitutional protections that apply to all residing within the United States, not just U.S. citizens.

The IFR Undermines Core Constitutional Protections and Will Lead to Racial Profiling of Communities with Legal Status

Every individual residing in the United States is entitled to certain constitutional protections, including due process and freedom from racial discrimination. However, legal experts have expressed concern that Latinos living in the U.S. will be racially profiled as a result of this IFR.¹ Enforcement of this IFR will, by nature, rely on the national origin of individuals under scrutiny of law enforcement officials, which will undoubtedly lead to racial profiling, wrongful arrests and detention of U.S. citizens and other individuals with lawful status. In fact, the implementation of similar laws at the state-level have raised similar constitutional concerns and have been proven to violate the rights of both, noncitizens that the laws seek to target, and U.S. citizens.²

¹ ABC News, *DHS registry for migrants in the US raises alarm from immigration advocates*.
<https://abcnews.go.com/US/immigration-law-experts-raise-concerns-dhs-registry-migrants/story?id=119231088>

² Campbell, Kristina M. (2013). (Un)Reasonable Suspicion: Racial Profiling in Immigration Enforcement After *Arizona v. United States*. *Wake Forest Journal of Law and Policy*, 367.
https://digitalcommons.law.udc.edu/cgi/viewcontent.cgi?article=1071&context=fac_journal_articles&utm

Since 2010, several states have attempted to institute legislation that included “Show Me Your Papers” provisions, similar to the documentation requirement outlined in the IFR.³ Arizona’s Support our Law Enforcement and Safe Neighborhoods Act specifically included a “show me your papers” provision. While *Arizona v. the United States* upheld that provision, the state’s usage of this provision has been halted due to a settlement with several immigrant rights groups.⁴ The civil rights groups pointed to anecdotes and evidence showing that the law resulted in racial profiling against Latino and Asian Americans, who were assumed to be immigrants without lawful status based on their appearance. This IFR will similarly enable racial discrimination of Latino residents under the guise of “national security and protection.”

Already, immigration enforcement operations have led to abuse and the wrongful targeting of U.S. citizens who were racially profiled.⁵ Under the current administration’s stringent immigration enforcement practices, the instances of racial profiling and targeting of individuals with lawful status have increased.⁶ The enforcement regime under this IRF will without a doubt only exacerbate these harms in degree and number of individuals affected.

The IFR’s Reliance on Racial Profiling Will Decrease Economic and Workforce Participation Across Many American Communities

We, as Members of Congress, are also greatly concerned about the impact the IFR will have on the emotional well-being of our constituents and their participation in the economic and social sectors of our communities. Enforcement practices that enable racial profiling create fear and anxiety, even among legal permanent residents and U.S. citizens.⁷ That fear and uncertainty leads to economic instability and depresses participation in civil society in ways that are destabilizing to communities, schools, and businesses^{8,9,10}. A study on stringent immigration laws, specifically focusing on Arizona’s Support our Law Enforcement and Safe Neighborhoods Act, found that policies that promote racial profiling negatively impact Latino youths’ mental health and

³ American Civil Liberties Union, *SB 1070 at the Supreme Court: What’s at Stake*.
<https://www.aclu.org/sb-1070-supreme-court-whats-stake>

⁴ AZ Central, *Arizona settles final issues of SB 1070 legal fight*.
<https://www.azcentral.com/story/news/politics/immigration/2016/09/15/arizona-settlement-sb-1070-lawsuit-aclu-immigration/90424942/>

⁵ ACLU, *United Farm Workers and Bakersfield Residents Sue Border Patrol for Unlawful Practices*.
<https://www.aclu-sdic.org/en/press-releases/united-farm-workers-and-bakersfield-residents-sue-border-patrol-unlawful-practices>

⁶ ProPublica, *Some Americans Have Already Been Caught in Trump’s Immigration Dragnet. More Will Be*.
<https://www.propublica.org/article/more-americans-will-be-caught-up-trump-immigration-raids?utm>

⁷ NBC News, *Trump immigration raids snags U.S. citizens, including Native Americans, raising racial profiling fears*.
<https://www.nbcnews.com/news/latino/trump-immigration-raids-citizens-profiling-accusations-native-american-rcna189203>

⁸ Luo, T., & Kostandini, G. (2023). Omnibus or Ominous immigration laws? Immigration policy and mental health of the Hispanic population. *Health economics*, 32(1), 90–106. <https://doi.org/10.1002/hec.4611>

⁹ Associated Press, *Schools around the US confront anxiety over Trump’s actions on immigration*.
<https://apnews.com/article/immigration-ice-raids-schools-d78b0367db4a7a236a003ad37590d48a>

¹⁰ Wall Street Journal, *‘People Are Afraid of Going Out’—Trump Immigration Moves Hurt Small Businesses*.
<https://www.wsj.com/us-news/trump-immigration-businesses-migrants-c89c6d40>

academic achievement.¹¹ The unintended consequences of the interim rule will likely have a significant and similar impact on Latino youth and communities. While the IFR estimates this registration requirement to directly impact 2 to 3 million people, the racial profiling that is likely to occur as a result of enforcing this new process will have detrimental effects on the larger 63 million Latino residents residing in the U.S..^{12,13}

By enforcing a “carry your papers” rule and subjecting Latino and other immigrant communities to likely racial profiling, there will be deleterious consequences for the U.S. economy and workforce participation. Immigrants contribute billions to our economy. In 2023, undocumented immigrants contributed \$89.8 billion in federal, state, and local taxes and \$167 million in the housing market.¹⁴ Additionally, immigrants have supplemented the workforce. They make up 25% of entrepreneurs and help fill workforce shortages for essential professions. The Trump Administration’s actions within the last two months have already impacted the labor force across the country.¹⁵ Due to fears of deportation, individuals are reportedly missing work, impacting American businesses and leading to higher costs of living for American consumers. This IFR will intensify the existing climate of fear and anxiety experienced by immigrant communities and exacerbate the negative economic realities Americans face.

Contrary to the claim that The Administration’s actions on immigrants put America first, the Interim Final Rule undermines uniquely American constitutional protections and civil liberties, damages the American economy, and destabilizes whole communities, ultimately undermining key parts of what makes our country great.

The IFR Seeks to Enforce an Outdated and Debunked Statute Without Consideration of Modern-Day Norms on Immigration Law and Policy

Further, the Rule constitutes a marked departure from the intended and actual use of the registration statute over the past 80 years. In fact, the United States has effectively abandoned universal non-citizen registration for the past seventy-five years.¹⁶ Specifically, the United States completely abandoned the World War II-era independent registration process reflected in the

¹¹ Luo, T., & Escalante, C. L. (2021). Stringent immigration enforcement and the mental health and health-risk behaviors of Hispanic adolescent students in Arizona. *Health economics*, 30(1), 86–103.
<https://doi.org/10.1002/hec.4178>

¹² U.S. Department of Health and Human Services, *Hispanic/Latino Health*.
<https://minorityhealth.hhs.gov/hispaniclatino-health#:~:text=According%20to%20the%20U.S.%20Census,of%20the%20total%20U.S.%20population.>

¹³ U.S. Department of Homeland Security, *Estimates of the Unauthorized Alien Population Residing in the United States*. <https://ohss.dhs.gov/topics/immigration/unauthorized-aliens/estimates-unauthorized-alien-population-residing-united>

¹⁴ American Immigration Council, *Immigrants Keep the Economy Strong As Congress Considers Wasting Billions on Mass Deportations*.
<https://www.americanimmigrationcouncil.org/news/immigrants-keep-economy-strong-as-congress-debates-mass-deportation>

¹⁵ New York Times, *A Chill Sets In for Undocumented Workers, and Those Who Hire Them*.
<https://www.nytimes.com/2025/03/09/business/economy/immigrant-workers-deportation-fears.html>

¹⁶ Nancy Morawetz & Natasha Fernandez-Silber, *Immigration Law and the Myth of Comprehensive Registration*, 48 U.C. Davis L. Rev. 141 (2014), available at https://lawreview.law.ucdavis.edu/sites/g/files/dgvnsk15026/files/media/documents/48-1_Morawetz_Fernandez-Silber.pdf

statute by 1950. After a dramatic overhaul of U.S. federal immigration law in 1952 and 1965, Congress shifted registration into regularized immigration applications and enforcement. Non-citizen “registration” essentially became wrapped up in individual immigration processes, meaning there was no longer any independent non-citizen registration process used in the modern-day U.S. immigration system. Mandatory registration is not commensurate with nor reflective of modern immigration law and practice, and it does not reflect the intent of our current set of laws.

The Fast-Tracked Adoption of the IFR Deprives Opportunity for Meaningful Comment

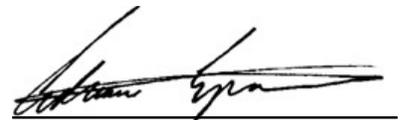
Finally, we are deeply concerned about the fast-tracking of this reckless rule, which will have devastating civil, judicial, and economic consequences. By claiming a “procedural rule” exception under the Administrative Procedure Act, the Department of Homeland Security will not consider public comments before imposing this registration requirement despite its sweeping effect in creating essentially a nation-wide “show-me-your-papers” regime. This procedural rule exception should not be invoked in context of this policy change which deeply alters the rights and interests of multiple parties in the U.S. Not only will noncitizen’s lives be deeply affected by the implementation and enforcement of this new regime, but U.S. citizens, lawful permanent residents, and state and local governments will also face serious and troubling consequences as a result. In addition, public comments and consideration of adequate guardrails, oversight, and other measures to reduce and prevent the racial profiling of individuals must be considered before any regulation similar to this IFR go into effect.

We highly condemn this Interim Final Rule and aim to work with our colleagues to establish adequate guardrails to ensure the rights and liberties afforded to every individual in the U.S. by the Constitution are protected and respected. The rule must not be fast-tracked and every public comment to the IFR must be carefully and thoughtfully considered to ensure adequate and necessary oversight. We call on the Department of Homeland Security to immediately rescind this IFR and abandon plans to develop a new registration process.

Sincerely,



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