



U.S. Citizenship and Immigration Services  
Department of Homeland Security

April 11, 2025

Submitted via [www.regulations.gov](http://www.regulations.gov)

**Re: Comment from Her Justice on the Interim Final Rule “Alien Registration Form and Evidence of Registration,” RIN 1615-AC96.**

Her Justice welcomes the opportunity to respond to the Interim Final Rule (IFR) on “Alien Registration Form and Evidence of Registration” published on March 12, 2025, which threatens to impose sweeping administrative, fiscal and human costs. We urge the Department of Homeland Security (DHS) and its component U.S. Citizenship and Immigration Services (USCIS) (hereinafter “the Department” or “DHS”) to immediately rescind the IFR and eliminate this unnecessary, highly costly and irreparably harmful process. The only appropriate rulemaking on registration is the removal of 8 C.F.R. Part 264 in its entirety in light of the obsolescence of the underlying legal regime.

Immigrant women constitute a particularly vulnerable group facing high rates of gender-based violence, especially domestic or intimate partner abuse. While 34% to 50% of all immigrant women in the U.S. report experiencing domestic violence, this alarming figure jumps to 77% for those whose immigration status depends on their spouse. Abusers often exploit this dependency, using threats to withhold or withdraw immigration documents, or to report the victim to authorities if she seeks help or attempts escape, as forms of coercive control. This leaves survivors fearing deportation, not only because they risk separation from their U.S.-born children but also because many fled brutal conditions in their home countries to seek refuge here. Consequently, Her Justice is concerned that the IFR’s new requirements, along with threats of deportation and criminal prosecution, will severely harm immigrant survivors.

**I. The IFR’s deficient treatment of the complex web of immigration forms considered to meet registration requirements will cause confusion and fear for many lawfully present noncitizens who should be considered registered.**

The IFR creates unnecessary confusion and fear for immigrants who have come forward seeking long-established benefits and pathways to immigration relief that have been created over the past 85 years. Among these are critical humanitarian protections for victims of domestic violence, sexual assault, human trafficking, and other crimes.

In 1994, a bipartisan majority in Congress passed the Violence Against Women Act (VAWA) which contained immigration protections to address the unique issues faced by victims of domestic violence. VAWA granted certain noncitizen family members of abusive U.S. citizens and lawful permanent residents “the ability to self-petition for status without the abuser’s knowledge, consent, or participation in the immigration process. This allowed victims to seek



both safety and independence from their abuser.”<sup>1</sup> In 2000, Congress strengthened protections for victims of crime through the passage of the Victims of Trafficking and Violence Protection Act (VTVPA). The VTVPA established T nonimmigrant status for victims of a severe form of trafficking in persons and U nonimmigrant status for victims of certain qualifying crimes including domestic violence, sexual assault, stalking, among others.<sup>2</sup>

8 USC 1304, on which the 8 CFR 264.1 and the IFR rely, authorizes the Attorney General and Secretary of State to create forms that capture the information required for registration. This includes “(1) the date and place of entry of the [noncitizen] into the United States; (2) activities in which [they] ha[ve] been and intend to be engaged; (3) the length of time [they expect] to remain in the United States; (4) [their] police and criminal record, if any [ ]; and (5) such additional matters as may be prescribed.”<sup>3</sup> USCIS has not sufficiently demonstrated why the information and evidence contained in the applications requesting VAWA/T/U benefits is insufficient for these purposes. Survivors filing for VAWA/T/U benefits already provide USCIS with the information necessary to adjudicate their case, which if approved, would allow them to gain legal immigration status in the United States.

For example, in support of a VAWA self-petition, a survivor must submit evidence of good moral character such as affidavits and a local police clearance or state-issued criminal background check or similar report from each locality or state in or outside the United States where they have resided for 6 or more months during the 3-year period immediately before filing the self-petition.<sup>4</sup> Similarly, survivors seeking T or U nonimmigrant status must answer numerous questions regarding criminal and immigration history and must submit biometrics shortly after filing.<sup>5</sup>

The IFR will cause immense confusion for survivors filing for relief. Determining whether a survivor with pending VAWA/T/U filing needs to submit a G-325R is extremely complex, and depends on several factors including their manner of entry, whether they have been in removal proceedings, whether they have ever filed a Form I-485, Application to Register Permanent Residence or Adjust Status, whether they have a Form I-766 Employment Authorization Document (which largely depends on long processing times outside the survivors’ control), and the ultimate decision in their cases.

---

<sup>1</sup> See USCIS Policy Manual, Volume 3: Humanitarian Protection and Parole, Part D, Violence Against Women Act [3 USCIS-PM D]. See also Title IV of the Violent Crime Control and Law Enforcement Act of 1994, [Pub. L. 103](#)

<sup>2</sup> See Section 107(e) and Section 1513 of the Victims of Trafficking and Violence Protection Act of 2000 (VTVPA 2000), [Pub. L. 106-386](#), 114 Stat. 1464, 1533 (October 28, 2000).

<sup>3</sup> 8 USC § 1304.

<sup>4</sup> USCIS, Instructions for Petition for Amerasian, Widow(er), or Special Immigrant- Form I-360 (edition date 04/01/2024), available at <https://www.uscis.gov/sites/default/files/document/forms/i-360instr.pdf>.

<sup>5</sup> VAWA self-petitioners similarly must submit biometrics if submitting a Form I-765: Application for Employment Authorization Document or a Form I-485, Application to Register Permanent Residence or Adjust Status.



Survivors already often face myriad barriers in submitting their requests for immigration benefits, including language access, the length and complexity of the forms, and in gathering necessary documents and evidence to support their claims. Survivors in remote areas may also experience “long distances and a lack of public transportation to field offices, and inadequate legal, community, and financial support.”<sup>6</sup>

Requiring survivors who entered without inspection and have a pending VAWA/T/U matter to complete a separate registration process is not only an unnecessary waste of scarce resources (both for the agency and survivors themselves), but it is also a dangerous tool of intimidation and fear. Benefits like VAWA self-petitions, U visas and T visas were created with the express recognition that survivors, by virtue of the abuse they endure, face significant obstacles to protection, driven by the fear that reaching out for help will result in separation from their families or deportation. The IFR registration requirement would also discourage immigrant survivors, especially victims of crimes targeted in the U and T visa programs, from cooperating with law enforcement, thwarting another central goal of the Violence Against Women Act to make communities safer.

The IFR exacerbates this fear. One of the express goals of the IFR is “to improve DHS law enforcement efficacy, because law enforcement personnel would have access to a more comprehensive registration data.”<sup>7</sup> DHS does not hide the fact that registration is designed as an immigration enforcement tool. Congress created USCIS to be a benefit-granting agency.<sup>8</sup> The IFR represents yet another way in which USCIS is betraying that mission and becoming a third enforcement arm of DHS.

## **II. The IFR fails to address whether any confidentiality or privacy protections or considerations apply or to justify their inapplicability.**

Congress realized that “threats of deportation are the most potent tool abusers of immigrant victims use to maintain control over and silence their victims and to avoid criminal prosecution.” For this reason, Congress created confidentiality protections for survivors applying for VAWA/T/U benefits codified at 8 U.S.C. §1367, to ensure that abusers and other perpetrators of crime do not use the immigration system against their victims.”

The IFR is completely silent on privacy and confidentiality protections associated with the registration requirement. The Form G-325R contains links to several systems of record notices

---

<sup>6</sup> USCIS, “USCIS Continues to Improve Access to Immigration Services” (last updated 7/17/2024), available at <https://www.uscis.gov/archive/uscis-continues-to-improve-access-to-immigration-services>.

<sup>7</sup> See IFR V.B.

<sup>8</sup> Congress specifically designated USCIS as the immigration benefits and adjudications agency in the Homeland Security Act in 2002. See Section 451(b) Pub. L. No. 107–296, 116 Stat. 2135) (November 25, 2002), available at [https://www.dhs.gov/xlibrary/assets/hr\\_5005\\_enr.pdf](https://www.dhs.gov/xlibrary/assets/hr_5005_enr.pdf).



but does not specify how they are related to the information collection. It also states that DHS may share the information, as appropriate, for law enforcement purposes or in the interest of national security.<sup>9</sup> However, any DHS disclosure of information must comport with 8 U.S.C. 1367 and related guidance.<sup>10</sup> 8 U.S.C. §1367(b) provides that the “Secretary of Homeland Security or the Attorney General may provide in the discretion of the Secretary or the Attorney General for the disclosure of information to law enforcement officials to be used solely for a legitimate law enforcement purpose *in a manner that protects the confidentiality of such information.*”<sup>11</sup>

Violating 8 U.S.C. §1357 not only harms our clients and creates distrust in the legal system, but the resulting fear of losing anonymity also impedes their full cooperation with legal processes. This reluctance ultimately interferes with a survivor’s ability to gain essential protections from their abuser. A client who decides in part to move forward in applying for immigration benefits in reliance on the privacy and confidentiality provisions of 8 U.S.C. § 1367 will have their confidence and decision-making thrown off by the IFR. A Her Justice client who hasn’t yet submitted their application for immigration benefits will have to contend with the IFR’s rigid demand that they submit a G-325R and attend a biometrics appointment within a certain amount of time – without any confirmation that the information provided will be kept safe from their abuser, trafficker or person who committed the qualifying crime.

The DHS Officer for Civil Rights and Civil Liberties (CRCL) has the authority to provide DHS-wide guidance and oversight on the implementation of 8 U.S.C. §1367 confidentiality and prohibited source provisions.<sup>11</sup> With the Administration’s recent dismissal of staff working at CRCL,<sup>12</sup> survivors have no recourse within the agency if they believe that information was shared in violation of 8 U.S.C. §1367.

DHS does not provide clear information regarding the privacy impact of the IFR to clarify how this registration comports with existing law. This makes it difficult for individuals, including

---

<sup>9</sup> See Form G-325R- Biographic Information (Registration), available at <https://www.regulations.gov/document/USCIS-2025-0004-0022>.

<sup>10</sup> See [Implementation of Section 1367 Information Provisions](#), DHS Instruction 002-02-001, Revision 00.1, issued November 7, 2013. See also DHS Directive 215-01 and DHS Instruction 215-01-001 Disclosure of Section 1367 Information To National Security Officials For National Security Purposes; and DHS Instruction 215-01-002, Disclosure Of Section 1367 Information To Law Enforcement Officials For Legitimate Law Enforcement Purposes, available at <https://www.dhs.gov/sites/default/files/publications/1367%20PCR%20Report%20FINAL%2020190204.pdf>.

<sup>11</sup> See DHS Delegation 19004.5. “Delegation of Authority to Issue Guidance and Implement 8 United States Code 1367 (Sept. 23, 2013), available at <https://www.dhs.gov/sites/default/files/publications/1367%20PCR%20Report%20FINAL%2020190204.pdf>.

<sup>12</sup> Rebecca Beitsch, “Trump Topples civil rights offices at DHS” The Hill (Mar. 31, 2025), available at <https://thehill.com/homenews/administration/5208342-dhs-eliminates-civil-rights-office/>.



those subject to 8 U.S.C. §1367 protections, to fully understand how their information will be used and shared in compliance with existing law.

### **III. The IFR will impose unique harms on survivors of violence.**

#### **A. The registration process may be manipulated by abusers.**

According to a report by the National Network to End Domestic Violence, 97% of victim service providers reported that victims who seek their services are being harassed, monitored, and threatened by offenders misusing technology.<sup>13</sup> This is especially true for immigrant survivors of domestic violence, sexual assault, human trafficking and other crimes, on whom abusers and perpetrators typically prey, and often threaten with deportation or family separation.

We are concerned that the registration process may be manipulated by abusers seeking to control, coerce or intimidate victims, either by interfering with the registration process, or preventing survivors from accessing the technology needed to complete the Form G-325R, thus delaying or inhibiting altogether their ability to register. Moreover, abusers may also prevent survivors from appearing at their biometrics appointment to complete their registration.

According to a qualitative policy research report that Her Justice issued in November 2023, *Stories from Immigrant Survivors of Gender-Based Violence: The Impact of Work Authorization*, the fear of deportation is the most significant source of anxiety for all immigrant survivor participants. Abusers commonly exploit this vulnerability, with many survivors reporting threats of being turned over to immigration authorities. Anna's case is illustrative: brought to the U.S. from the Caribbean at age three, her husband later subjected her to verbal abuse (e.g., “Don't let me bust your head open”), physical abuse during her second pregnancy, and threats leveraging her status, such as, “when I leave you, I’ll take our daughters and you’ll be deported.” Like Anna, many Her Justice clients have U.S. citizen children, amplifying their fear of deportation with the specific terror that their children could be left behind with the abuser or alone in the U.S.

A victim-centered approach requires, at minimum, that any registration process provide flexibility to allow for survivors to correct any inconsistencies and consider how victimization may impact an individual’s opportunity to comply with the registration process prior to conducting enforcement actions based on 8 U.S.C. §1306(a).

#### **B. The IFR’s requirements regarding change of address create needless hardships for survivors.**

---

<sup>13</sup> National Network to End Domestic Violence, *A Glimpse from the Field: How Abusers are Misusing Technology* (February 2015), available at <https://www.techsafety.org/blog/2015/2/17/a-glimpse-from-the-field-how-abusers-are-misusing-technology>.



The IFR requires individuals to list their addresses and notify DHS in writing of each change of address and new address within ten days or face criminal consequences or potentially deportation unless they can establish that the failure was “reasonably excusable” or not willful.<sup>14</sup>

For survivors, the situation is even more complicated. Immigrant survivors living in domestic violence shelters or residing at safe addresses to avoid being found and harmed by their abusers do not have a clear and consistent way to ensure that the information they submit via this new registration form will have the confidentiality protections required under 8 U.S.C. 1367. Survivors very often use safe addresses to protect themselves from their abusers as they take steps towards independence. Most of the time, our clients are living with their abuser, and it is critical to utilize safe addresses to avoid documentation being sent to an abuser.

The Form G-325R mentions safe addresses; however, the IFR provides no information about how the term is interpreted in the registration context. In fact, there are *no instructions to the Form G-325R at all*, except the information provided on the screen. Failure to comply with the registration requirement can have complex and cascading consequences for survivors who are experiencing housing insecurity or who are living in safe housing such as shelters or transitional housing facilities.

In Her Justice’s *Immigrant Survivors* report, interviews revealed that 81% of immigrant survivors stayed with their abusive partners or exploiters because they lacked safe, alternative housing. Without work authorization to secure reliable income, many clients either stayed with their abusive partners or moved into domestic violence shelters. One client reported that she and her baby had an allergic reaction to being bitten by roaches due to the filthy conditions in the shelter.

DHS does not provide clear information regarding safe addresses in the context of registration, complicating situations where it may be unsafe or not possible to list a current physical address. Furthermore, DHS does not provide guidance outlining factors and situations that will be considered in determining whether delays that are “reasonably excusable” and not willful, including instances involving victimization.

### **C. The IFR’s requirement to possess proof of registration at all times disproportionately impacts survivors.**

The IFR cites 8 U.S.C. § 1304(e) requiring individuals over 18 to carry or have in their personal possession their proof of registration at all times or face criminal consequences or fines. Unlike the change of address requirements where a person may demonstrate that failure to comply was not willful or otherwise reasonably excusable, there is no such consideration in this context. The strict liability of these provisions will harm survivors of violence who may be fleeing abuse, or whose abuser has control of their documentation as an exercise of power. Given these realities, it

---

<sup>14</sup> 8 USC §/1227(a)(3)(A).



is an abuse of discretion for DHS not to consider factors such as emergencies, victimization, and health conditions, among others, in its criminal, civil and immigration enforcement actions of 8 U.S.C. § 1304(e).

Survivors of domestic abuse served by Her Justice often face critical vulnerabilities related to documentation. Many are forced to abandon passports or visas in their abuser's possession, putting them at risk if they try to retrieve them. Even when clients attain permanent residency, their ability to prove it can be compromised; vital documents like passports, visas, and green cards may be mailed to the abuser's address. Her Justice saw this with a client who escaped her abusive U.S. citizen spouse and went to a shelter. Because her green card was sent to her abuser's home after she left, she lacks the necessary proof of residency to obtain work authorization. This highlights Her Justice's concern that registration requirements demanding proof, such as the IFR, could endanger vulnerable clients who are prevented by their abusers from obtaining or maintaining compliance documentation.

#### **IV. Conclusion**

We urge the Department and USCIS to immediately rescind the IFR and eliminate this unnecessary, highly costly and irreparably harmful process. The only appropriate rulemaking on registration is the removal of 8 C.F.R. Part 264 in its entirety in light of the obsolescence of the underlying legal regime. Please contact us with any questions at [tfallon@herjustice.org](mailto:tfallon@herjustice.org) or [rbraunstein@herjustice.org](mailto:rbraunstein@herjustice.org).

Sincerely,

*/s/ Timothy Fallon*

Timothy Fallon, Esq.  
Managing Attorney, Immigration  
Her Justice

*/s/ Rachel Braunstein*

Rachel Braunstein, Esq.  
Director, Policy  
Her Justice