



Review of Requirements to Carry Immigration Documents and Report Address Changes

As the Department of Homeland Security (DHS) intensifies its immigration compliance efforts, advisers may wish to review two important requirements with their students, scholars, and exchange visitors:

- The requirement to carry their immigration “registration document” (e.g., Form I-94); and
- The requirement to report address changes in a timely fashion

A review of these requirements can help ensure that the stay of your international visitors is not unnecessarily jeopardized or made more complicated. This presentation is based on information in Chapter 10 of the NAFSA Adviser’s Manual.

1.1 REQUIREMENT TO CARRY FORM I-94 OR OTHER DHS REGISTRATION DOCUMENT

Section 264(e) of the Immigration and Nationality Act [8 USC 1304(e)], a provision that has been “on the books” for decades, requires every alien 18 years of age and over to “at all times carry with him and have in his personal possession” the “certificate of alien registration or alien registration receipt card” issued to him or her by DHS. The registration document is usually Form I-94 for nonimmigrants, or Form I-551 “greencard” for lawful permanent residents.

That same provision also establishes rather severe penalties for not carrying the registration document:

INA § 264(e)

Every alien, eighteen years of age and over, shall at all times carry with him and have in his personal possession any certificate of alien registration or alien registration receipt card issued to him pursuant to subsection (d). Any alien who fails to comply with the provisions of this subsection shall be guilty of a misdemeanor and shall upon conviction for each offense be fined not to exceed \$100 or be imprisoned not more than thirty days, or both.

1.2 THE FORM I-94 AND GENERAL REGISTRATION REQUIREMENTS

The registration process for most nonimmigrants occurs automatically in procedures that we are very familiar with: an initial registration takes place when the alien submits an application for a visa at a U.S. consular office; the required registration is completed when the alien is admitted to the United States and is issued Form I-94. Registrations are updated when an alien applies for an extension of stay or a change of nonimmigrant status.

↑ INA § 221(a)-(b), 261, 262, 264; 8 C.F.R. Part 264

List of official documents DHS issues as evidence of registration

↑ 8 C.F.R. § 264.1(b)

- I-94**, Arrival-Departure Record--Aliens admitted as nonimmigrants; aliens paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act; aliens whose claimed entry prior to July 1, 1924 cannot be verified, but who have satisfactorily established residence in the United States since prior to July 1, 1924; and aliens granted permission to depart voluntarily without the institution of removal proceedings.
- I-95**, Crewmen's Landing Permit--Crewmen arriving by vessel or aircraft.
- I-184**, Alien Crewman Landing Permit and Identification Card--Crewmen arriving by vessel.
- I-185**, Nonresident Alien Canadian Border Crossing Card--Citizens of Canada or British subjects residing in Canada.
- I-186**, Nonresident Alien Mexican Border Crossing Card--Citizens of Mexico residing in Mexico.
- I-221**, Order to Show Cause and Notice of Hearing--Aliens against whom deportation proceedings are being instituted.
- I-221S**, Order to Show Cause, Notice of Hearing, and Warrant for Arrest of Alien--Aliens against whom deportation proceedings are being instituted.
- I-551**, Permanent Resident Card--Lawful permanent resident of the United States.
- I-688**, Temporary Resident Card--Lawful temporary residents of the United States.
- I-688A**, Employment Authorization Card.
- I-688B**, Employment Authorization Document.
- I-766**, Employment Authorization Document.

1.3 REQUIREMENT TO REPORT CHANGES OF ADDRESS

Another requirement, related to the “registration” requirement, is that aliens living in the United States report to USCIS any change of address within 10 days of the address change.

↑ INA § 265(a); 8 C.F.R. § 265.1

The law provides for rather severe penalties for failing to notify DHS about an address change:

INA § 266(b)

Any alien or any parent or legal guardian in the United States of any alien who fails to give written notice [of an address change] to the Attorney General, as required by section 265 of this title, shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not to exceed \$200 or be imprisoned not more than thirty days, or both. Irrespective of whether an alien is convicted and punished as herein provided, any alien who fails to give written notice to the Attorney General, as required by section 265, shall be taken into custody and removed in the manner provided by chapter 4 of this title, unless such alien establishes to the satisfaction of the Attorney General that such failure was reasonably excusable or was not willful.

1.3.1 COMPLIANCE WITH THE ADDRESS REPORTING REQUIREMENT

Aliens not in F-1, M-1, or J-1 status must file USCIS Form AR-11 to update their address, or Form AR-11SR if they are subject to Special Registration through NSEERS.

- ✦ The [USCIS Web site](#) has the most current version of Form AR-11 and the mailing address for that form
- ✦ The [AR-11 can also be filed online](#) through the USCIS Web site

Students and exchange visitors in F-1, M-1, or J-1 status comply with their address-change reporting obligation by notifying the P/DSO or A/RO of their school or exchange visitor program of an address change within 10 days of the change. The school or exchange program must then update SEVIS with the new address within 21 days of receiving the new address information from the student or exchange visitor.

↑ 8 C.F.R. §§ [214.2\(f\)\(17\)](#); [214.2\(m\)\(18\)](#); [214.2\(j\)\(1\)\(viii\)](#)

- ☐ *Address change updates for F-1, M-1, and J-1 students and exchange visitors subject to special registration.* Prior to December 2, 2003, students and exchange visitors subject to Special Registration under NSEERS had to file a Form AR-11SR to notify DHS of changes of address or educational institution, in addition to having their SEVIS record updated with such changes. Under current regulations F, M, and J nonimmigrants subject to Special Registration can comply with their obligation to notify DHS of address and educational institution changes through timely updating of SEVIS. F, M, and J nonimmigrants subject to Special Registration must still use Form AR-11SR to notify DHS of changes in employment, however. They are also obliged to report address changes using Form AR-11SR if they failed to have their address updated through SEVIS. 8 C.F.R. § 264.1(f)(5), as amended by [69 Fed. Reg. 67578](#), 67584 (December 2, 2003).