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ILLINOIS COALITION FOR IMMIGRANT AND REFUGEE RIGHTS

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INS Publishes Proposal on Address Changes  
Regulation to affect only noncitizens applying for immigration  
benefits.

On July 26, 2002, the Immigration and Naturalization Service published its proposed regulation regarding how it will enforce the section of the immigration laws regarding reporting of address changes. On July 19, the US Department of Justice (DOJ) had issued a press release stating that it would start enforcing this law, INA § 265(a), which requires all aliens to register changes of address with the INS within 10 days of moving.

INS is proposing to revise most of its benefit applications to include language stating that when an applicant signs the form, she is being put on notice that she must report address changes to INS. This language will also specify that if the applicant fails to provide an address update, and INS later tries to deport her, the applicant can still be ordered deported even if she does not show up in court because she never got the notice to appear. The benefit applications that would be updated include the I-485 application for lawful permanent resident status, the I-765 application for employment authorization, the I-360 self-petition, the I-539 application to extend or change non-immigrant status, the N-400 naturalization application, and the N-600 application for a citizenship certificate.

This rule would cover only those noncitizens who will be filing new benefit applications with the added language. It is not clear whether INS will try to enforce the address change requirement on noncitizens who will not be filling out the new applications. This proposal leaves a number of other questions unanswered:

Would INS go after individuals who fail to report an address change and then submit a new benefit application? For instance, someone can file an I-485 (updated with the new language), get her green card, move without notifying INS, and then apply for citizenship and list her past address on her N-400. Will INS try to deport this person because she failed to report her address change, especially now that the agency knows where she is?

Also, would the address change information be properly recorded? The AR-11 address change forms are sent to INS in Washington DC, not to any of the service centers or district offices or to the National Customer Service Center or National Records Center. There is no assurance that INS will put the address changes reported on the AR-11 into the same database as the address information on the benefit applications, or otherwise match the two sets of information. More basically, will INS be able to handle the additional load of paperwork? The San Diego Union-Tribune reported on July 27 that INS has collected 200,000 address change forms at the National Records Center that it has not yet filed. If a noncitizen files an AR-11 but INS never matches her

address information or never even processes it, what good will it do to file the AR-11?

The deadline to submit comments is August 26, 2002. Comments can be sent by e-mail to [insregs@usdoj.gov](mailto:insregs@usdoj.gov). Comments sent by e-mail must reference INS No. 2198-02 in the subject box. ICIRR plans to file comments based on the issues mentioned above, and recommends that others do so as well.

While the regulations INS has published are proposed - and therefore not yet in effect - the general law requiring reporting of address changes is still in effect. ICIRR is advising that anyone who is in lawful status and who has moved since getting her status should report her new address; anyone who is out of status should seek legal advice before filing. Our alert of July 25 contains more detailed general advice regarding this requirement as well as information on how to get the AR-11 form and further assistance. For another copy of this alert, please call 312 332-7360 or send an e-mail to [info@icirr.org](mailto:info@icirr.org).

For more information, call (312) 332-7360 or visit our website at [www.icirr.org](http://www.icirr.org).