



AMERICAN
IMMIGRATION
LAWYERS
ASSOCIATION

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Business and Foreign Workers Division
Office of Policy and Strategy
U.S. Citizenship and Immigration Service 5900 Capital Gateway Drive
Camp Springs, MD 20746

Submitted via <http://www.regulations.gov>

Re: Agency Information Collection Activities; Reinstatement, With Change, of a Previously Approved Collection for Which Approval Has Expired: Alien Change of Address

Docket ID: USCIS-2008-0018
OMB Control Number: 1615-0007

To Whom it May Concern:

The American Immigration Lawyers Association (AILA) respectfully submits this comment in opposition to the information collection (2008-0018) published in the Federal Register on May 7, 2026, by U.S. Citizenship and Immigration Services (USCIS). Established in 1946, AILA is a voluntary bar association of more than 18,000 attorneys and law professors practicing, researching, and teaching in the field of immigration and nationality law. Our mission includes the advancement of the law pertaining to immigration and nationality and the facilitation of justice in the field. AILA members regularly advise and represent businesses, U.S. citizens, U.S. lawful permanent residents, and foreign nationals regarding the application and interpretation of U.S. immigration laws. We believe that our members' collective expertise and experience make us particularly well-qualified to offer views on this matter.

The Form AR-11 has long been a simple civil information collection form that allows noncitizens to inform the Department of Homeland Security (DHS) when their address changes. Almost every noncitizen in the United States who remains for more than 30 days is required to notify DHS of their change of address¹ DHS is unlawfully proposing changes to Form AR-11 that would coerce and compel noncitizens to provide new, invasive, and irrelevant private information about their employment, education, and receipt of “means-tested public benefits,” when notifying DHS of their change of address. DHS explicitly states that it intends to use the information that it collects to engage in enforcement actions against noncitizens.

¹ INA section 265; *see also* INA section 262; 8 CFR section 262.

The proposed form change is a substantive policy update that bypasses the Administrative Procedure Act (APA). The proposed form change should be withdrawn for the following reasons: (1) The Immigration and Nationality Act (INA) § 265 requires DHS to go through a formal rule making process and promulgate a new regulation authorizing the collection of information regarding employment, education and the receipt of “means-tested public benefits;”(2) INA § 287 does not authorize DHS to expand the scope of information collected on Form AR-11; (3) Neither INA § 237(a)(5) nor the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) (8 U.S.C. §§ 1601–1646) authorize the proposed expansive collection of new information; (4) DHS does not comply with the Paperwork Reduction Act (PRA) in proposing these changes to Form AR-11; (5) DHS’s proposed changes to the AR-11 Form unnecessarily make the address change process complicated, burdensome, and risky for noncitizens. (5) The agency exploits a mandatory registration event to extract unrelated personal data under threat of noncompliance consequences, raising due process and fairness concerns; and (6) the proposed changes harm U.S. national security by discouraging noncitizens in the United States from notifying DHS when their address changes, making it more difficult for DHS to keep track of and locate noncitizens residing in the United States.

I. INA § 265 Requires DHS to Promulgate New Regulations Authorizing it to Collect the Proposed Additional Information

INA § 265(a) requires the Attorney General to promulgate regulations specifying the additional information to be collected when a noncitizen notifies DHS of a change of address by submitting Form AR-11 (noncitizens are required to submit their change of address, “and furnish ... such additional information as the Attorney General may require by regulation.”). 8 C.F.R. § 265.1, as currently enacted, does not authorize DHS to collect information about employment, education or the receipt of “means-tested public benefits” on Form AR-11. When enacting this section of the INA, Congress separated the address change process from other registration requirements to keep the process simple and non-adjudicatory, while preserving the agency’s ability to collect additional relevant information after going through the normal regulatory rule making process. Thus, DHS must go through the formal rule making process to collect this additional information.

Furthermore, the U.S. Supreme Court has emphasized that Congress itself specified the registration scheme, including, “categories of aliens who must register; penalties for failure to register; and registration forms and requirements.”² This language confirms that obligations such as registration and address change notification must be grounded in the statutory and regulatory framework Congress established, rather than inferred from DHS’s broad enforcement powers. Congress has not authorized the use of address changes as a surveillance tool and eligibility screening tool as presented in this rule.

II. INA § 287 Does Not Authorize DHS to Expand the Scope of Information Collected on a Civil Registration Form such as the AR-11

² *Arizona v. United States*, 567 U.S. 387, 401 (2012).

DHS's proposed expansion of Form AR-11 relies explicitly on the Secretary's authority under INA § 287 to require additional information—specifically, data on means-tested public benefits, employment, and education—from noncitizens subject to the change-of-address reporting requirement under INA § 265. This represents a significant shift: Form AR-11 has historically been a civil registration mechanism, not an enforcement tool. Disclosure of this information is mandatory, not voluntary, and importantly, is not being submitted in connection with a request for an immigration benefit.

These limits are directly relevant to the proposed rule because DHS is now unlawfully attempting to use INA § 287 to expand the scope of information collected through a civil registration form with the express intention of using the new information obtained for enforcement purposes.³ Courts have consistently treated INA § 287 as an enforcement and investigative authority.⁴ Given that Congress has already clearly articulated that DHS will need to amend the regulation at INA § 265(a) in order to expand the type of information requested when an address change is submitted, DHS' enforcement authority under INA § 287 would not override Congress's clear directive and authorize DHS to make these proposed changes.

The proposed information collection dramatically expands Form AR-11 from a simple address-reporting form into a multi-category personal surveillance instrument that requires disclosure of employment and education information, as well as information about the receipt of means-tested public benefits. The information collection requires disclosure of personal data without Congressional authorization under an enforcement statute that courts have repeatedly limited. DHS states that the information collected will be used for enforcement purposes and that DHS will “coordinate with means-tested public benefits granting agencies.”⁵ The AR-11 is not the appropriate forum to enact this change. Rather, USCIS recently proposed a rulemaking to govern the public charge ground of inadmissibility, which could have included a form collection, but failed to do so.⁶

III. The Proposed Changes Do Not Explain How the Government Will Protect Collected Data.

The transformation of Form AR-11 from a civil registration form into an enforcement-oriented data collection tool raises serious statutory privacy concerns, does not adequately protect confidentiality of sensitive information, and raises serious due-process concerns in violation of

³ See proposed information collection 91 Fed. Reg. 24910 (May 7, 2026).

⁴ *Id.*; see also e.g. *Arizona v. United States*, 567 U.S. 387, 401-402 (2012) (Congress has specified categories of non-citizens who must register; penalties for failure to register; and registration forms and requirements, demonstrating that registration obligations derive from the detailed statutory scheme enacted by Congress); *United States v. Witkovich*, 353 U.S. 194 (1957) (immigration-enforcement powers must be tied to the specific statutory purpose Congress authorized and can't be construed to create sweeping reporting obligations absent clear Congressional intent); *United States v. Brignoni-Ponce*, 422 U.S. 873 (1975) (4th Amendment case in which the Court describes INA § 287(a)(1) as a power to question persons about their right to be in the U.S. and states that the power is an enforcement and investigatory authority, not an independent source of substantive obligations on noncitizens).

⁵ 91 Fed. Reg. at 24910–11.

⁶ 90 Fed. Reg. 52168 (Nov. 19, 2025).

the Privacy Act. DHS' stated purpose for collecting and using this highly sensitive personal data is in direct conflict with INA § 384(a)(2), which provides strict confidentiality protections to U, T, and VAWA applicants with limited exceptions. These protections include forbidding DHS from disclosing information to federal, state, and local benefits agencies for ⁷. Additionally, 8 C.F.R. § 208.6 extends confidentiality protections to asylum applicants. DHS does not provide an adequate explanation of how confidential information will be protected, nor does it provide an adequate explanation of how non-citizens' privacy rights will be respected. Thus, DHS is in violation of the Privacy Act, 5 U.S.C. § 552a, as the information it wishes to collect is not relevant or necessary to notify DHS of a non-citizen's address change and DHS does not have statutory authorization to collect this additional information.

Furthermore, Form AR-11, as proposed, requires non-citizens to “authorize the release of any information from any and all of [their] records that USCIS determines is necessary for the administration and enforcement of U.S. immigration law.” It appears that upon signing proposed Form AR-11, non-citizens must authorize DHS to access and release all of their immigration records for enforcement purposes, which would include information collected by DHS on any other immigration petition, application, or by any other means, which is well-beyond the scope of the information reported on proposed Form AR-11 (we assume this authorization for release of records is limited to the individual's immigration records; however, the language of the release that non-citizens must sign is not limited to immigration records and could be interpreted as a much broader release of information/data about the individual). Since virtually all non-citizens are required to notify DHS of their change of address on Form AR-11,⁸ this would mean that every non-citizen in the United States would be required to waive their privacy and confidentiality rights or risk prosecution and removal for not notifying DHS of their address change. This broad and coerced release of one's privacy and confidentiality rights raises serious 4th and 5th Amendment Constitutional issues,⁹ as well as Privacy Act, PRA, and APA concerns that likely would not survive judicial challenge.

Despite the proposed expanded scope of data collection, the proposal says little about how the government would protect this data. Because many of the new questions would collect personally identifiable information, USCIS must address the risks of data leaks, unauthorized access, and misuse. If USCIS must develop or procure new systems or projects to collect or maintain this information, section 208 of the E-Government Act requires a Privacy Impact Assessment (PIA) before doing so. USCIS does not indicate that any such PIA has been completed or anticipated. The existing PIA from August 2018 addressed migration of AR-11 address data to a cloud environment and did not analyze the collection of benefits, employment, or education data. If USCIS adds these new categories of information, it must issue a new or updated PIA.

⁷ INA § 384(a)(2); 8 U.S.C. § 1367(a)(2) (forbids DHS from disclosing to anyone other than a DHS official any information relating to a non-citizen who is the beneficiary of a U, T or VAWA self-petition). Furthermore, the exceptions to INA § 384(a)(2); 8 U.S.C. § 1367(a)(2) expressly forbid DHS from using information obtained from non-citizens who have applied for U, T, or VAWA benefits for enforcement actions unless confidentiality protections are adhered to (INA § 384(b)(2), (3); 8 U.S.C. § 1367(b)(2), (3)) and DHS is forbidden from sharing information with federal, state, and local benefits agencies for enforcement purposes (INA § 384(b)(5); 8 U.S.C. § 1367(b)(5)).

⁸ INA § 265(a).

⁹ See e.g. *Chatrue v. U.S.*, No. 25-112, slip op. at (U.S. June 29, 2026).

The current AR-11 states that DHS may share information with other agencies and authorized parties under two System of Records Notices (SORNs): DHS/USCIS-001 and DHS/USCIS-007. The proposed revision states that benefits information would be used to coordinate with “means-tested public benefits granting agencies,” which describes a new and specific sharing relationship. The coordination proposed here is a use not covered by an existing SORN and adding it without updating or amending the SORNs raises Privacy Act concerns. To the extent the revision would require benefit agencies to share information about recipients for purposes unrelated to administering programs, this proposal could also violate the laws or regulations governing these programs.

This proposal conflicts with DHS’s own privacy policy and the Fair Information Practice Principles (FIPP), which require agencies to limit data collection to what is necessary for the stated purpose. The expressly stated statutory purpose¹⁰ of the AR-11 is address change notification. Education, employment, and benefits information go well beyond that purpose, and the notice does not explain why collecting this information from every filer satisfies data minimization principles.

Once USCIS collects this sensitive personal information, the government could repurpose this data for additional screening, profiling, data matching, or automated analysis, including through AI. The notice does not disclose whether the proposed AR-11 data would be used in those ways, or what safeguards or oversight would exist. That uncertainty will increase distrust and make it harder to reassure individuals that completing a routine address form will not expose them to surveillance, enforcement, or other adverse consequences.

IV. Neither INA § 237(a)(5) nor the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) (8 U.S.C. §§ 1601-1646) Authorize DHS to Collect Expansive Information about Employment, Education and Receipt of Means Tested Public Benefits

DHS’s primary purpose in asking non-citizens to provide additional information about their employment, education and receipt of means-tested public benefits when filing a change of address on proposed Form AR-11 is to enforce INA § 237(a)(5).¹⁰ This section of the INA renders a non-citizen removable from the United States if they become a public charge within five years of entry; and the cause of the dependency existed before entry. Congress incorporated the five-year limitation into the PRWORA and allowed certain classes of non-citizens to remain eligible for some or all public benefits notwithstanding¹¹. DHS proposes to collect information from virtually all non-citizens regarding whether they have ever received a means tested public benefit, with no regard to whether the non-citizen is a member of a statutorily defined class of non-citizens who are subject to the public charge ground of inadmissibility, whether the public benefit was received within five years of entry, or whether the cause of dependency existed before entry to the United States.

¹⁰ 91 Fed. Reg. 24910.

¹¹ See 8 USC § 1641 defining qualified aliens who are eligible for certain federal, state, and local public benefits despite the general restrictions.

Congress has not authorized DHS to engage in this broad and sweeping information collection campaign. Nor has DHS explained how collecting information about employment, education and receipt of means-tested public benefits from virtually every non-citizen in the United States after entering supports enforcement of this ground of removability and/or enforcement under the PRWORA, since in order to render a non-citizen removable from the United States DHS must prove that the non-citizen was unable to support themselves before entering the United States.¹² The proposed Form AR-11 requests new information from all non-citizens, not only those who are forbidden from receiving public benefits. DHS also fails to explain how collection of employment and education information is relevant to the public charge ground of removability and therefore, why it is necessary for DHS to collect this information. DHS is able to separately share information with benefit agencies, negating the need for public charge related questions on an address change form.

Additionally, longstanding precedent requires more than receipt of public benefits to sustain a charge of removability for public charge grounds. In *Matter of B-*,¹³ the Board of Immigration Appeals (Board) held that in order to sustain a charge of removability for public charge grounds, there must be (1) a charge for the services that is imposed under law, creating liability for reimbursement; (2) the government must make a demand for payment on the person(s) legally responsible; and (3) there must be a failure to pay the charges.¹⁴ Removal proceedings on this basis are also exceedingly rare due to 1) most noncitizens being ineligible for public benefits;¹⁵ 2) government agency demands for repayment are exceedingly rare; and 3) even if there is a demand to repay, some noncitizens ultimately repay and are no longer removable.

The receipt of means tested public benefits does not in and of itself render a non-citizen removable from the United States Thus, DHS could only support a charge of removability for becoming a public charge if, after collecting the new information on Form AR-11, substantial DHS investigatory resources are used to prove all the elements required to sustain removability. Since virtually all non-citizens in the United States are required to file Form AR-11 when they change addresses (DHS estimates that 2.6 million non-citizens file Form AR-11 annually¹⁶), DHS would need to devote substantial resources to reviewing and investigating alleged public charge violations; thus, deferring important resources away from other more pressing enforcement needs. Had DHS wanted to give itself the authority, it could have included this in the recent Notice of Proposed Rulemaking on Public Charge Ground of Inadmissibility.¹⁷

The PRWORA (8 U.S.C. §§ 1601-1646) is best enforced by the agencies that administer benefit programs through eligibility screening and verification processes.¹⁸ The Administration has

¹² Notably, DHS has robust mechanisms in place to determine if a non-citizen is or is likely to become a public charge before entry to the United States. See INA § 212(a)(4) (public charge ground of inadmissibility to U.S.); INA § 213A (Affidavit of Support requirements); 8 CFR § 212.21-212.23 (DHS totality of circumstances analysis for determining if an adjustment of status applicant is likely to become a public charge);

¹³ 3 I&N Dec. 323(BIA & A.G. 1948).

¹⁴ See e.g. *Matter of Harutunian*, 14 I & N. Dec. 583 (Reg. Comm'r 1974). See report titled "[Public Charge Law is Rarely Used to Deport Immigrants—Is That About to Change?](#)"

¹⁵ See Migration Policy Institute, "[Explainer: Immigrants and the Use of Public Benefits in the United States.](#)"

¹⁶ 91 Fed. Reg. at 24911.

¹⁷ 90 Fed. Reg. at 52190.

¹⁸ See 8 U.S.C. §1642.

already, through Executive Order¹⁹, shored up the verification and reporting process to identify non-citizens who are in violation of the PRWORA. Thus, enforcement mechanisms are already in place. Additionally, Congress has already provided DHS and consular officers with specific statutory mechanisms to identify and exclude noncitizens likely to become public charges through INA § 212(a)(4)'s individualized assessment and the enforceable affidavit-of-support regime in INA § 213A. Accordingly, DHS should explain why collection of registration and address information is necessary to accomplish objectives that are already addressed through existing statutory screening and verification mechanisms.

Furthermore, investigation of non-citizens receipt of means tested public benefits will infringe upon non-citizens privacy and confidentiality rights, as discussed above. Thus, in weighing the potential benefit of locating and removing non-citizens who have not repaid the government for the receipt of forbidden public assistance BEFORE their entry to the United States (which as discussed above, amounts to very few non-citizens), against the burden on DHS and non-citizens in collecting this information on Form AR-11, the burden far outweighs the benefit to DHS, especially given the fact that solid enforcement mechanisms already exist.

V. The Information Collection is Based on Misconception

Undocumented immigrants are largely ineligible for most public benefits, while lawful permanent residents are entitled to some and not other public benefits.²⁰ Studies show that immigrants are less likely to use public benefits than U.S. citizens.²¹ Of those convicted of unlawfully receiving public benefits, more U.S. citizens were convicted than non-citizens.²² Making the AR-11 a public benefits enforcement tool is, therefore, based on a faulty politically motivated myth. DHS has other ways to verify public benefit access directly with its relationships to benefits granting agencies, and through the immigration application vetting process for relevant immigration application types. Similarly, DOS also vets visa applicants for public charge. Asking yet again when simply changing an address is redundant and irrelevant, especially for people who may move frequently The AR-11 is not an application for an immigration benefit. For the reasons mentioned above, the rule is unlawful and burdensome.

VI. The Proposed Changes Violate the Paperwork Reduction Act (PRA)

Under the PRA, DHS must show that any information it collects is necessary, has practical utility, and minimizes the burden on the public. DHS has not explained why the proposed additional information is necessary in the context of an address change form, what practical utility it has, or why these questions should be asked through the AR-11 at all. Nor has DHS demonstrated evidentiary need, nor quantified fraud-detection benefits; it duplicates existing records for those that previously filed for visas and US based immigration benefits; and it hasn't

¹⁹ Ex. Ord. No. 14218, 19 FR 10581 (Feb. 19, 2025)(Ending Taxpayer Subsidization of Open Borders).

²⁰ See National Immigration Law Center's (NILC) [Overview of Immigrant Eligibility for Federal Programs](#) and National Immigration Forum's [fact sheet](#) on immigrants and public benefits.

²¹ See CATO Institute's "[Immigrants Still Use Much Less Welfare Than Native-Born Americans](#)".

²² See CATO Institute's "[Noncitizens Stole 30% Fewer Welfare Benefits Than Citizens 2013–2024](#)".

shown a justification for a recurring recollection, especially for people who move frequently and file multiple AR-11s.

DHS has also not adequately accounted for the burden on individuals, service providers, and communities with limited English proficiency or limited access to legal representation. In addition to dramatically increasing the number of pages from 2 to 11, the proposed Form AR-11 possesses an unnecessary significant expense and time burden on non-citizens. This is especially true for non-citizens who do not have a pending application for benefits, which is the typical route to disclosing education, work experience and public benefits receipt (e.g., I130, I485, etc.) upon which the government decides inadmissibility or removability. For example, why would someone on a tourist or work visa or someone in green card status be required to give their information out of the blue if there is no pending application for another benefit? The purpose of an address change requirement is to locate someone if needed. By itself, it is not an enforcement tool.

To notify DHS of a change in address, the proposed changes would require non-citizens to:

- Make legal determinations about whether they are subject to the Alien Registration regulations under INA § 262 without providing any instruction or information about how to make this legal determination without hiring an attorney.²³
- Make legal determinations about whether they have received means-tested public benefits that may render them removable from the United States and may affect future immigration benefits.
- Hire an attorney to explain the items listed above (notably, the new proposed AR-11 Form now includes an attorney preparer section, while the current AR-11 Form does not because currently, an attorney does not need to be retained to file a change of address). The new requirement raises important legal issues that will require non-citizens to hire attorneys to advise them on, which imposes costs and time burdens
- Sign the new Form AR-11 under penalty of perjury and “authorize the release of any information from any and all of my records that USCIS determines is necessary for the administration and enforcement of U.S. immigration law.” Notably, this broad non-voluntary release of any and all information given to DHS raises significant 4th and 5th Amendment Constitutional questions. Furthermore, being forced to waive one’s privacy and confidentiality rights in order to notify DHS of a change of address possess a significant burden on all non-citizens living in the United States.

DHS estimates that the form can be completed in 30 minutes or less and that the annual cost burden is under \$1 million. Those estimates appear to significantly underestimate the time and

²³ See proposed Form AR-11, Part 1, Question 1.

cost of gathering and accurately reporting employment, education, and benefits information over a potentially unlimited period. This would be a significantly more time-consuming task than reporting a new address. DHS does not provide an accurate estimate regarding the time, cost, and burden on non-citizens who will now need to hire immigration attorneys to advise them on the legal issues and implications of completing an AR-11 address change form (as well as the risks and legal implications of not completing the form).

Further, DHS has not provided information about the burden on the government itself. How does it plan to use the forms to adjudicate the enforcement proposed? Will it be investing in more personnel, and if so, for how much money? Or will it be shifting resources to review AR-11s from other departments where, for example, a wide range of application adjudications are severely backlogged? Will DHS need more money for this enforcement task, and if so, how much? Will it propose to charge a fee for this additional make work for itself? How much time will an officer need to analyze the information and determine when/if to begin removal proceedings?

The PRA also recognizes the importance of protecting individual privacy by limiting data collection to information that is necessary and relevant to an agency's function. Here, USCIS proposes to collect sensitive information about employment, education, and public benefits through a change of address form without explaining why that information is necessary or how collecting it through the AR-11 serves a legitimate agency purpose.

VII. The Rule will have a Chilling Effect on Immigrants Who are Lawfully Entitled to Some Public Benefits

We have been down this road with the public charge rules of the first and current Trump Administrations. Here, DHS attempts to conflate a simple address reporting requirement into a new public charge rule through illegal use of the PRA rather than the APA. We already know that the Administration's focus on public benefits abuse prevents low-income applicants from lawfully seeking benefits to which they are entitled. There has already been widespread disenrollment from health and nutrition programs by eligible immigrant families due to fear and misunderstanding.²⁴

The proposal is self-defeating: If noncitizens fear that filing a routine address change triggers scrutiny of benefits/work/schooling, many will avoid filing which will jeopardize our national security

VIII. The Proposed Form Changes and Instructions are Vague

The proposed form changes raise the following questions:

- What counts as "means-tested public benefits"?

²⁴ See Protecting Immigrant Families Coalition's report "[Research Documents the Harm of Past Public Charge Policies](#)"

- What timeframe applies?
- Whether schooling includes informal/vocational education?
- Whether work means authorized work only?
- Whether inaccuracies create fraud exposure?
- What systems will store/share this data?
- What adjudications may later use it?

The form instructions should include definitions and be absolutely clear and consistent with the public charge rules *in effect at that time*. Notably, the last proposed public charge rule has not yet become final at the time of this writing,²⁵ which is another reason this form should not be linked to public charge analysis in the context of immigration benefit adjudications and/or removal grounds when this form is not an application for benefits.

Without these and other protections described earlier, there will be a disparate impact on vulnerable populations. There are extensive enforcement exposures for accidental omissions, inconsistent answers, and future allegations of misrepresentation.

Additionally, the proposed Form AR-11 requires non-citizens to make a determination about whether they are subject to Alien Registration requirements (INA § 262) without providing any information or instruction on how to make this determination or articulating which classes of non-citizens are not subject to the Alien Registration requirements. The instructions revisions are silent on these important matters. Given that non-citizens will be required to sign the form under penalty of perjury and DHS explicitly states that it intends to use any and all information provided for enforcement purposes, at a bare minimum DHS is required to provide an explanation in the instruction section of the proposed form regarding who is required to submit an address change notification under INA § 265, and who is not.

IX. Conclusion

This proposed information collection substantially expands the nature and scope of information the AR-11 collects without a new or updated PIA, without a new or updated SORN, and without any analysis of why this private information is necessary. It is a substantive policy change requiring formal rule making yet done via a PRA form change. Given this and the reasons listed above, the proposed changes should not be implemented to the Form AR-11.

Sincerely,

American Immigration Lawyers Association

²⁵ 90 Fed. Reg. 52168 (Comments on the proposed rule closed on December 19, 2025 and on the related forms in January 2026).