



ADDRESS REPORTS REQUIRED OF ALIENS IN THE U.S.

The Immigration and Nationality Act (INA), the formal name for the immigration laws, requires any alien over the age of 14 who remains in the U.S. for more than 30 days to report his or her address to U.S. Citizenship and Immigration Services (USCIS) within (10) days of the change of address. Visitors on F-1 or J-1 status must report their change of address to the University of Cincinnati within ten (10) days of the change. This handout will help you understand your responsibilities in this regard and how to meet this requirement.

Q1. What exactly is the rule about address reporting?

A1. INA Section 265(a) reads, "Each alien required to be registered under this title who is within the United States shall notify the Attorney General in writing of each change of address and new address within ten days from the date of such change and furnish with such notice such additional information as the Attorney General may require by regulation."

If you are an alien physically present within the U.S., then you are required to be registered (e.g. to have an I-94 card or similar document confirming status), and you are required to make address reports as specified in the law.

Q2. Who is an alien and why does USCIS use that term?

A2. "The term 'alien' means any person not a citizen or national of the United States." That definition is very direct and clear. You acquire U.S. citizenship by being born in the U.S or to U.S. parents or by naturalizing. You become a national of the U.S. by being born in one of the outlying possessions of the United States or to parents who are nationals of the U.S. If you have F, J, H, O, TN, or LPR ("green card") status or any other immigration document allowing you to be in the U.S., then you are considered to be an "alien" under the legal definition.

Q3. I know that I have filled in my address on lots of forms, but why haven't I heard about this direct reporting requirement before?

A3. This law has been "on the books" for a very long time, but over the years USCIS has placed a low priority on enforcing the law and collecting and recording address changes. Indeed, USCIS has generally not had the manpower or resources to record address changes even if they were reported. In practice, USCIS has been interested primarily in addresses directly connected with a benefit or approval notice that USCIS would have to mail back to the alien. That philosophy has changed since the attacks of 9/11/01.

Q4. If USCIS has not been maintaining its address files and has not been enforcing the law, then why should I start reporting my address now?

A4. The law is the law, and even though USCIS may not have enforced it in the past, Congress and law enforcement are now very interested in aliens in the U.S. It is a good idea to know your responsibilities and comply with the law.

Q5. How do I report my address? Where do I send it?

A5. If you are an F-1 student or J-1 exchange visitor in SEVIS, your requirement is to file your change of address with the University within 10 days. All students who have NOT graduated should report a change of address to the University using your one-stop account. Please go to www.onestop.uc.edu. From there, click the "change my address" link, sign in, and update your "permanent" address.

Those who do not hold F or J status should report an address change using the Department of Homeland Security form "AR-11." You can complete the AR-11 in two ways. First, you can submit the AR-11 on-line at <https://egov.uscis.gov/crisgwi/go?action=coa>. Second, USCIS posts this form on its web site at <http://www.uscis.gov/files/form/ar-11.pdf>. It loads in Adobe as a fillable form, so you may fill it out online, print it, and mail it to the USCIS address indicated below. *You must sign the form.

Beginning March 15, 2011 all Change of Address, (Form AR-11) and Alien's Change of Address,

(Form AR-11 SR) will change filing locations. Now, you must file all change of address forms at the following address:

**DHS/USCIS
Harrisonburg File Storage Facility
Attn: AR-11
1344 Pleasants Drive
Harrisonburg, VA 22801**

Change of address forms mailed to the old location will be forwarded to the new filing location for 45 days beginning March 15, 2011 until April 28, 2011.

When you complete your address report, please print an extra copy and send it to the International Office at Mail Location 0640. That will help us keep your address current here as well.

Q6. I do not like the idea of reporting my address to USCIS. What happens if I just refuse to do it?

A6. INA Section 266(b) states "Any alien or any parent or legal guardian in the United States of any alien who fails to give written notice to the Attorney General, 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, 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." Willful failure to register is punishable by imprisonment not to exceed 6 months and a fine of not more than \$1,000 or both.

In short, if you make a choice or decision not to report, a willful act, then USCIS has the authority to charge you with a crime, fine you, imprison you, and then deport you. In practice USCIS has not used this violation alone to deport someone, but USCIS can add this to a list of violations such as overstay or unauthorized work, when they are building a case for deportation.

Q7. What if I did not know about this rule and have not reported my address, or if I forget and report late? What will USCIS do?

A7. The USCIS, through the office of the Attorney General, has the authority to forgive such failures provided the failure to report "was reasonably excusable or was not willful." That means that you need to report properly and promptly, but that USCIS will generally not take an action against you just because you missed a deadline or didn't know you needed to report, provided that you act in good faith and send the report once you know you have to report or realize you have missed the deadline.

Q8. I may be moving around a lot. My box number is the most accurate address to reach me. Why does USCIS want to know every time I move?

A8. Members of Congress and USCIS and other government agencies have indicated that they want to know where aliens live, including students and scholars, so that they can find them if necessary.

Q9. I am just a student or scholar. I study, I do my research, or I teach. I am not doing anything wrong. Why would USCIS or any other law enforcement agent want to find me?

A9. There could be many reasons. The most common, of course have to do with events, such as the recent terrorist acts, that cause the government to launch investigations.

Q10. OK, now I am beginning to feel a little angry and uncomfortable about this. What has UC done or is UC doing about this address reporting and the general treatment of international students and scholars?

A10. UC, along with many other colleges and universities, is doing all that it can to protect students' and scholars' rights in these very tense times with a very active Congress working to change the immigration laws. UC International Services monitors proposed legislation and works with the Vice

President for Government Affairs, the Office of the General Counsel and other UC offices to offer or change legislative language so as to encourage international education and the free exchange of ideas.

Q11. But don't I have Constitutional rights? What about my civil liberties?

A11. Everyone in the U.S. and under its jurisdiction has certain rights, but aliens do not have all of the same rights as citizens. For more information on the Constitutional rights of aliens see "Constitutional Rights" at <http://www.centerforhumanrights.org/>.

Q12. I still have questions about this. Who can answer my questions?

A12. Contact UC International Services by sending a message to international.students@uc.edu or call the office at **556-4278**.

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