



News & Types: Immigration Update

Does The Law Really Require Me to Carry Proof of My Immigration Status?

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Practices: Immigration

Yes, many non-U.S. citizens are surprised to learn that U.S. law requires non-U.S. citizens to carry evidence of their immigration status at all times. Lawful permanent residents (LPRs a/k/a green card holders) are not exempt. Federal law has long required nonimmigrants and LPRs, eighteen years of age and over, to carry documents evidencing their immigration status. In fact, failure to comply is considered a misdemeanor and each offense can result in a \$100 fine or imprisonment of up to thirty days, or both. Enforcement of this law has never been a priority of prior administrations, but the Trump Administration is taking a strong enforcement-minded approach to immigration which seeks to more strictly oversee foreign nationals already present in the U.S. Nonimmigrants (e.g. F-1, H-1B, L-1, E-2, J-1, O-1, etc.) and green card holders must carry documents evidencing their lawful immigration status (e.g. I-94, I-20, I-797, Receipt and/or Approval Notice, EAD, green card, parole stamp, DS-2019, etc.). In some cases, they may also need to carry an identity document such as a passport, I.D., or driver's license, etc.

U.S. citizens who are concerned about potentially being stopped and questioned about their status may want to carry a U.S. passport card or a copy of their U.S. passport as evidence of U.S. citizenship. Furthermore, starting May 7, 2025, every state resident will need to present a REAL ID compliant license/ID, or another acceptable form of identification, for accessing federal facilities and boarding commercial aircraft. The card itself must be REAL ID compliant, unless the resident is using an alternative acceptable document such as a passport. REAL ID does not prohibit an agency from accepting other forms of identity documents (such as a U.S. passport, U.S. passport card or Global Entry card).

For all of these reasons, it is critical that nonimmigrants and LPRs conduct a thorough review of their legal documents and consider federal and state legal requirements, document expirations, and renewal processing times to ensure compliance with federal and state laws at all times.

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