



The Registry: Using Section 249 of the Immigration and Nationality Act as a Means to Adjust Status

The so-called “registry” provision of the Immigration and Nationality Act¹ provides a way for persons who reside in the United States and do not have current legal status to apply for and receive, at the discretion of the attorney general, admission as a legal permanent resident.

The registry provision does not confer citizenship. Rather, it allows a person who entered the country before January 1, 1972, to adjust to permanent legal resident status so long as the person meets these additional requirements:

- has continuously resided in the United States since entry;
- has good moral character;
- is not ineligible for citizenship; and
- is not inadmissible as a participant in Nazi persecutions or genocide or on grounds related to “criminals, procurers and other immoral persons, subversives, violators of the narcotics laws or smugglers of aliens”;

One further requirement, added in 1996, is that the person must not be deportable for engaging in terrorist activities.

Whether a person has lawful or unlawful status in the United States is not a factor in securing the benefit of Section 249. Relief under Section 249, however, is not automatic. It is granted solely at

¹ Section 249 provides:

U.S.C. § 1259 [I.N.A. § 249]. Record of admission for permanent residence in the case of certain aliens who entered the United States prior to January 1, 1972.

A record of lawful admission for permanent residence may, in the discretion of the Attorney General and under such regulations as he may prescribe, be made in the case of any alien, as of the date of the approval of his application or, if entry occurred prior to July 1, 1924, as of the date of such entry, if no such record is otherwise available and such alien shall satisfy the Attorney General that he is not inadmissible under section 1182(a)(3)(E) [relating to Nazi persecution, genocide, or related activities] of this title or under section 1182(a) [related to classes of aliens ineligible for visas or admissions] of this title insofar as it relates to criminals, procurers and other immoral persons, subversives, violators of the narcotic laws or smugglers of aliens, and he establishes that he:

- (a) entered the United States prior to January 1, 1972;
- (b) has had his residence in the United States continuously since such entry;
- (c) is a person of good moral character; and
- (d) is not ineligible to citizenship and is not deportable under section 1227(a)(4)(B) of this title [relating to terrorist activities].

the discretion of the U.S. Attorney General and generally depends on the person meeting all of the enumerated factors of the statute.

Because the registry provision only allows a person to adjust status, it does not help intercountry adoptees who are already legal permanent residents but have other citizenship issues. It would, however, greatly benefit intercountry adoptees who entered the country on a tourist or other non-immigrant visa, provided they entered the U.S. prior to January 1, 1972. The registry provision would also not currently help intercountry adoptees who would otherwise not qualify for citizenship, typically on account of a prior criminal conviction or for “moral turpitude” grounds.

The registry date, currently January 1, 1972, has been adjusted periodically since Congress first established the date in 1924. The following adjustments to the date have occurred over the last 80 years:

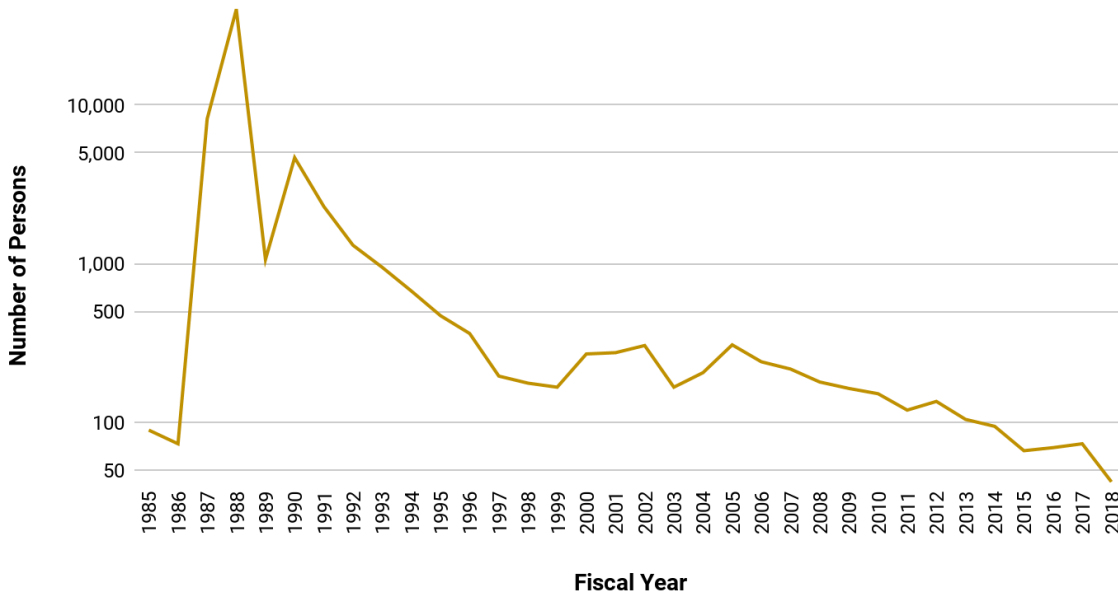
Year of Enactment	New Adjusted Registry Date
1929	June 3, 1921
1940	July 1, 1924
1965	June 30, 1948
1986	January 1, 1972

As shown, the registry date—which had previously been adjusted on roughly generational time frames of 20-25 years— has not been adjusted for decades, resulting in a nearly 50-year gap between the registry date and the current year. The Clinton Administration sought to adjust the date to January 1, 1986, but those efforts did not lead to a change.

As a result of the lack of change to the registry date, only less than 100 people (97) adjusted status in Fiscal Years 2018 and 2019 using the current registry provision. This compares to more than 63,000 persons who adjusted status under Section 249 from fiscal year 1985 through fiscal year 1998, with the vast majority of those, 48,182, adjusting status in fiscal years 1987 and 1988. In 2001, it was estimated that approximately 500,000 people would have been eligible to adjust status under the registry provision if the date was adjusted to January 1, 1986. Obviously more people would now qualify to adjust status through the registry if the date was adjusted to later years. This would likely include hundreds of intercountry adoptees, though a solid number is not generally known—no reliable statistics are available for intercountry adoptees currently residing in the United States who entered the country prior to or after January 1, 1972, but did not enter on an immigrant visa.



Number of Persons Adjusting Status Under the Registry, By Fiscal Year



U.S. Congressional representatives have introduced bills nearly every legislative session since the late 1990s in an attempt to adjust the date of the registry. Most bills concentrate on a fixed date—usually January 1, 1986—though at least one bill attempted a “rolling” date that adjusts automatically for five years, ending in a registry date of January 1, 1991. Rep. Sheila Jackson Lee has consistently introduced a more comprehensive immigration bill that also includes an amendment to the registration provision. That amendment adjusts the date of the registry to January 1, 1986.² Her last bill, [HR3647](#), appears to have been introduced in 2017. The bills have never received a hearing.

² The [specific substantive provision](#) states:

Section 249 (8 U.S.C. 1259) is amended—

(a) In general:

- (1) in the section heading by striking “1972” and inserting “1986”; and
- (2) in item (a), by striking “1972” and inserting “1986”.