


MAR 01 2010



U.S. Immigration  
and Customs  
Enforcement

MEMORANDUM FOR: All Employees of U.S. Immigration and Customs Enforcement

FROM: John Morton  
Assistant Secretary 

SUBJECT: Guidelines for ICE Operations During Census 2010

Purpose

This memorandum establishes the enforcement policy of U.S. Immigration and Customs Enforcement (ICE) during the 2010 census, which will be conducted from March to August. This memorandum also serves to advise ICE employees that census data is confidential and may not be used for immigration enforcement purposes.

Policy

ICE recognizes the importance of collecting accurate and comprehensive data for the census, which should include all residents of the United States regardless of immigration status. The willingness of aliens unlawfully present in this country to participate in Census 2010 may depend on their confidence that ICE will not be able to access the information collected, and that there is no nexus between the census and ICE enforcement activities.

While ICE will continue to enforce the criminal and civil immigration laws during the census period, steps should be taken to avoid adverse effects on census participation. In particular, ICE enforcement operations should be conducted in a manner that avoids (1) interfering with or disrupting the activities of the Census Bureau or (2) creating any appearance that census employees are sharing information or providing any other assistance to ICE.

Enforcement Operations

ICE Special Agents in Charge (SACs) and Field Office Directors (FODs) will be responsible for ensuring that enforcement operations do not interfere with, disrupt, or appear to be linked in any way with census activities. To this end, SACs and FODs should consider census activities when proposing and planning any operational activity. ICE personnel should avoid following census workers to apprehend removable aliens whom census workers identify, and census-related activities may not be used as a source of leads or intelligence-gathering for ICE operations.

Notwithstanding the above-referenced restrictions, ICE employees should continue to enforce the immigration laws. Nothing in this memorandum should be construed to suspend or prohibit enforcement activities. For example, no changes in operations are expected with respect to the identification and removal of criminal aliens who are incarcerated.

The Census Bureau anticipates a peak in census activity between May and July 2010, although this schedule may change. SACs and FODs must establish contact with their Census Regional Representatives (see attached list for names and contact information for these Representatives) to identify peak periods of census activity in particular residential areas. During these peak periods, SACs and FODs must maintain close oversight and pay particular attention to any large-scale enforcement operations in the interior that are likely to receive significant media attention and thus have an impact on census participation. In those cases, SACs and FODs should work with the ICE Office of Public Affairs to include in any media responses information about the prohibition against information sharing between the Census Bureau and ICE. SACs and FODs shall raise with the ICE Office of Policy any concerns or allegations of collusion between ICE and the Census Bureau.

#### Confidentiality of Census Data

The Department of Justice has long held that the Constitution requires that all inhabitants of the United States, including aliens unlawfully present in the country, be enumerated in the census. Ensuring the confidentiality of census responses is essential to encourage all people to participate, regardless of immigration status, and all ICE employees shall support this confidentiality.

Pursuant to law, census data provided by individuals and establishments is confidential. As required by the confidentiality provisions of Title 13, United States Code (U.S.C.), the Census Bureau may not give ICE access to any individually identifiable census data or information. *See* 13 U.S.C. §§ 8-9. Section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), which limits federal, state, and local authorities from restricting the exchange of immigration and citizenship information with ICE, does not abridge the protection given to census records. *See* 6 U.S.C. § 482. ICE therefore shall not seek, accept, or use any census information that is provided in violation of law.

ICE personnel should be prepared to communicate this prohibition to community organizations and to work with the Office of Public Affairs to allay concerns that ICE will seek, obtain or use data collected for the 2010 census to identify and remove illegal aliens.

#### Attachments:

Census Bureau Regions and Regional Directors  
2010 Census Key Dates