
		DEPARTMENT OF CORRECTIONS Administration		
Title:	Immigration or Citizenship Status: Collection, Maintenance, and Disclosure of Information	DOC Policy: 10.1.12		
Effective:	11/14/2025	Supersedes: NA		
Applicability:	All DOC employees to include DOC-operated community corrections agencies			
Directives Cross-Reference:	ORS 180.805 ORS 181A.820 to 181A.829			
Attachments:	None			

I. PURPOSE

The purpose of this policy is to establish guidelines for Department of Corrections employees on the limited circumstances under which an employee of the Oregon Department of Corrections may collect or disclose information concerning a person's citizenship or immigration status, or country of birth; explain the department's policy surrounding the retention, maintenance, collection, sharing, disclosure, and destruction of information concerning a person's citizenship or immigration status; and set parameters surrounding the department assisting with or using resources for immigration enforcement.

II. DEFINITIONS

- A. **Adult in Custody:** Any person under the supervision of the Oregon Department of Corrections who is not on parole, probation or post-prison supervision status.
- B. **Adult on Supervision:** Any person under the supervision of the Oregon Department of Corrections who is on parole, probation or post-prison supervision status.
- C. **Department of Corrections Facility:** Any institution, facility, or staff office, including the grounds, operated by the Department of Corrections.
- D. **Employee:** Any person employed full-time, part-time or under temporary appointment with the Department of Corrections.
- E. **"Federal immigration authority":** The United States Department of Homeland Security, the United States Immigration and Customs Enforcement, the United States Citizenship and Immigration Services, the United States Customs and Border Protection or a successor agency, any other federal immigration agency or official, or any other entity to which a federal immigration agency delegates or assigns the authority to detect, investigate or enforce violations of immigration law.

- F. “Immigration enforcement”: Any activity that has as a purpose the apprehension or identification of a person in order to subject the person to civil immigration arrest or detention, removal or deportation proceedings, or removal or deportation from the United States, or criminally prosecute the person for offenses related to federal laws regarding immigration status.
- G. “Information concerning a person’s citizenship or immigration status”: Information about whether a person is a citizen of the United States or has lawful authority to be present in the United States, either through a visa, a green card or other official documentation. The term does not include information consisting of a person’s address, location, contact information, relatives, associates or other information that could lead to the detection or apprehension of the person. This information includes information about a person’s country of birth.
- H. Judicial Order: An official court document signed by a judge, usually with the designation of a specific court, that directs the Department of Corrections to undertake a particular action, for example, to grant access to a person to facilitate the execution of an arrest warrant. A judicial warrant is a common type of judicial order. An order issued by a federal immigration authority, an administrative law judge, or in a state or federal administrative proceeding is not a judicial order.
- I. Protected Information: Information about a person’s address, workplace, hours of work, school or school hours, known associates or relatives, and contact information such as telephone number, electronic mail address or social media account information. Protected information also includes date, time or location of the person’s hearings, proceedings or appointments with the public body that are not matters of public record. Protected information also includes any of the information within this definition about a person’s relatives or known associates.

III. POLICY

Information concerning a person’s citizenship or immigration status generally may not be collected, or be disclosed, unless a statutory exception applies. Protected information may not be disclosed by the department or its employees for the purpose of enforcing federal immigration laws, unless a statutory exception applies. The department and its employees must follow Oregon law, regarding the exchange of citizenship or immigration status, and country of birth information with federal immigration authorities and engaging in immigration enforcement or using public resources for immigration enforcement.

A. Use of Department of Corrections Public Facilities, Property, and Resources:

Department of Corrections public facilities, property, moneys, equipment, technology or personnel may not be used for the purpose of investigating, detecting, apprehending, arresting, detaining or holding a person for immigration enforcement. Department of Corrections may not enter into a formal or informal agreement with a federal immigration authority that relates to the detention of a person for the purposes of enforcing federal immigration laws.

B. Department of Corrections Facility Access:

For Department of Corrections facilities or areas that are not generally open to the public, unless otherwise provided in a judicial order, Department of Corrections employees shall not grant access to a federal immigration authority to enter those facilities or areas. For Department of Corrections facilities or areas that are open or available to the public, unless otherwise provided in a judicial order, Department of Corrections employees shall not grant access to a federal immigration authority, for the purpose of enforcing federal immigration law, that is greater than the access granted to a member of the general public.

C. Collection of Information Concerning a Person's Citizenship or Immigration Status, or Country of Birth:

Oregon law prohibits the Department of Corrections from collecting information concerning a person's immigration or citizenship status, or country of birth unless one of the following exceptions applies:

1. Citizenship or immigration status or country of birth information is needed to advance an investigation into a violation of state or local criminal law, such as human trafficking;
2. Citizenship or immigration status or country of birth information is provided to a court of this state, in connection with a proceeding in that court;
3. Citizenship or immigration status or country of birth information is essential to determine the person's eligibility for a benefit that the person is seeking;
4. Collection of citizenship or immigration status or country of birth information is required by law (state or federal), other than for enforcement of federal immigration laws.

D. Asking About Information Concerning a Person's Citizenship or Immigration Status, or Country of Birth:

The following are circumstances in which Department of Corrections employees may need to ask a person for information concerning a person's immigration or citizenship status, or country of birth, and may do so lawfully under Oregon law:

1. When Department of Corrections is required by state or federal law (other than for enforcement of federal immigration laws) to request the information (for example, to verify employment eligibility, to assist with applications for federal Medicaid benefits during incarceration (inpatient hospitalizations) or after release; or to request individual tax identification numbers for federal tax forms for adults in custody for Performance Recognition and Award System (PRAS) awards or interest payments on adult in custody trust accounts);
2. When Department of Corrections requires the information in order to advance an investigation into a violation of state or local criminal law;

3. When the information is necessary for the department to determine the eligibility for a benefit a person is seeking; or
4. When the department must submit the information to a court of this state, whether orally or in writing, in connection with a proceeding in that court.

E. Disclosure of Citizenship or Immigration Status, or Country of Birth:

Generally, state law prohibits disclosure of information concerning a person's citizenship or immigration status, or country of birth, to federal immigration authorities. Department of Corrections is generally prohibited from sharing or disclosing citizenship or immigration status or country of birth information that the public body collects, unless one of the following exceptions applies:

1. Disclosure is required by state or federal law (other than federal immigration law).
2. Disclosure is required by a signed judicial order.
3. The information is available to the general public. For this exception to apply, the information may only be shared on the same terms and conditions as it would be shared with the general public.

F. Limited Disclosure of Protected Information:

Protected information may not be shared for the purpose of enforcing federal immigration laws unless pursuant to a lawful exception. There may be additional reasons and laws outside of this policy (for example, confidentiality laws specific to agency programs) that govern why protected information may not be disclosed. The department must disclose protected information when state or federal law, outside of federal immigration law, expressly requires disclosure, including a judicial order.

G. Disclosure of Protected Information for Enforcement of Federal Immigration Laws:

Except as required by state or federal law, Department of Corrections employees shall not disclose, for the purpose of enforcement of federal immigration laws, the following protected information concerning any person:

1. The person's address;
2. The person's workplace or hours of work, including on- or off-site work assignments for adults in custody or adults on supervision;
3. The person's school or school hours;
4. The person's contact information, including telephone number, electronic mail address or social media account information;
5. The identity of known associates or relatives of the person;

6. The date, time or location of the person's hearings, proceedings or appointments with the public body that are not matters of public record (for example, outside or community medical appointments); or
7. Information described in subparagraphs (1) through (6) with respect to known relatives or associates of the person.

H. Requests From Federal Agencies and Federal Immigration Authorities:

When the Department of Corrections receives a communication or request from a federal agency that relates to immigration enforcement, the Department of Corrections shall decline the request for immigration enforcement purposes unless the request is pursuant to a judicial order, and shall document the communication or request.

1. If an employee receives a request from a federal agency that relates to immigration enforcement, or a request from a federal immigration authority in any form, the employee shall gather, document, and immediately report as much of the following information as possible to their manager:
 - a. Name and assigned Department of Corrections work unit of person receiving the request;
 - b. Name, badge number, and contact information of the person making the request, along with copies of any documents they provided, including any judicial orders (if an employee is provided with a document and is uncertain whether it is a judicial order, the employee should include a copy of the document);
 - c. Name and state identification number (SID#) of the adult in custody or the adult on supervision about whom the authority is inquiring;
 - d. A description of the specific information being requested;
 - e. Expressed intent for how the requested information will be used; and
 - f. What information was provided to the federal immigration authority, if any.
2. Department of Corrections managers who receive notification of contact from an employee, or are contacted themselves, shall immediately report the contact and associated information listed above to the Administrator of the Offender Information and Sentence Computation (OISC) Unit or designee using the following email address: DL DOC Immigration Requests@doc.oregon.gov.
3. Upon receipt of a report of contact from a Department of Corrections manager, the OISC Administrator or designee shall submit electronic notice of federal immigration authority contact and request(s) to the Criminal Justice Commission using the Sanctuary Violation Reporting platform located on their website.

I. Requests From Federal Immigration Authorities for Public Information:

Department of Corrections employees may disclose adult in custody or adult on supervision information to federal immigration authorities only to the extent that the information is available to the general public and under the same terms and conditions as the information is available to the general public (whether under the Oregon Public Records Law, or through the use of other publicly available means, for example, Department of Corrections' website).

J. Consular Notification:

Department of Corrections shall provide legally required notifications to appropriate consular authorities as required by federal law and the Vienna Convention on Consular Relations (VCCR), 21 U S T 77 (1969). As a part of the intake process, Department of Corrections shall explain to a person in writing, with interpretation into another language if requested:

1. The person's right to refuse to disclose their nationality, citizenship, or immigration status; and
2. That disclosure of the person's nationality, citizenship or immigration status may result in civil or criminal immigration enforcement, including removal from the United States.

K. Access to Patient Healthcare Records:

Department of Corrections complies with applicable federal and state laws governing the confidentiality of patient healthcare records. Patient healthcare records, and information from them, shall not be disclosed to federal immigration authorities for the purpose of enforcing federal immigration laws. Patient healthcare records, and information from them, shall not be disclosed except as otherwise authorized under state and federal law and Department of Corrections policy. To assure compliance with applicable federal and state law, Department of Corrections employees shall not disclose patient healthcare records, or information from those records, to federal immigration authorities except as allowed by those policies.

L. Maintenance of Information Concerning a Person's Citizenship or Immigration Status, or Country of Birth:

When the department collects information to use in its business, the retention of that information is governed by the Oregon Secretary of State's retention schedules adopted pursuant to ORS 192.018, 192.105 and 192.108. Citizenship or immigration status or country of birth information that is collected pursuant to this policy is subject to the same retention requirements that govern the records of the program for which the information is collected.

IV. IMPLEMENTATION

This policy will be adopted immediately without further modification.

Certified: ____signature on file_____
Julie Vaughn, Rules Coordinator

Approved: ____signature on file_____
Michael Reese, Director