



AP 3311 Collecting and Maintaining Citizenship or Immigration Status or Country of Birth Information

References:

ORS 180.805

Oregon law prohibits public bodies, including Clatsop Community College, from inquiring or collecting information regarding an individual's citizenship or immigration status or county of birth information unless one of the following exceptions applies:

- Citizenship or immigration status or country of birth information is required to advance an investigation into a violation of state or local criminal law (e.g., human trafficking);
- Citizenship or immigration status or country of birth information is submitted to a court of this state, whether orally or in writing, in connection with a proceeding in that court;
- Citizenship or immigration status or country of birth information is necessary to determine the individual's eligibility for a benefit that the individual is seeking; or
- Collection of citizenship or immigration status or country of birth information is required by state or federal law (other than for enforcement of federal immigration laws).

Citizenship or immigration status or country of birth information is information concerning:

- Where a person was born; or
- Whether a person is a citizen of the United States; or
- Whether a person has lawful authority to be present in the United States.

When Clatsop Community College collects information to use in its business, the retention of that information is governed by 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 procedure is subject to the same retention requirements that govern the records of the program for which the information is collected. Clatsop Community College's public records retention schedules can be found in OAR Chapter 166, Division 450. Information that is not needed for any official purpose of a public body is not a matter of public record and need not be documented or retained. ORS 192.005(5).

There are some circumstances in which employees of Clatsop Community College may need to ask a person for their citizenship or immigration status or country of birth information, and can do so lawfully under Oregon law:

- Clatsop Community College is required by state or federal law (other than for enforcement of federal immigration laws) to request the information;
- Clatsop Community College requires the information in order to advance an investigation into a violation of state or local criminal law;
- Clatsop Community College has received a judicial order, judicial subpoena, or judicial warrant for the information;

- Clatsop Community College must submit the information to a court of this state, whether orally or in writing, in connection with a proceeding in that court; or
- The information is necessary to evaluate a person's eligibility for a benefit the person is seeking.

Otherwise, asking about citizenship or immigration status or country of birth information violates state law.

a. Legal Requirements

Clatsop Community College is legally required to ask for citizenship or immigration status or country of birth information under the following circumstances:

- To verify employees' employment eligibility;

b. Determination of Eligibility for Benefit

In order to determine eligibility for certain grants and benefits administered by Clatsop Community College, Clatsop Community College may be required to ask for citizenship or immigration status or country of birth information.

c. Information Collected

In order to comply with relevant laws and properly administer certain grants and benefits, employees of Clatsop Community College may collect documentation in accordance with state and federal guidelines.

END OF PROCEDURE

NEW PROCEDURE 10/25

**Provided by OCCA in 10/25 Legal Update
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