

# Census poses no risk to DACA holders, experts say, encouraging participation

By Pilar Marrero, Ethnic Media Services, La Opinion

Today we continue with our occasional series meant to answer the most frequently asked questions regarding the census. If you have a question or doubt about the census, please write to [pilarmarrero700@gmail.com](mailto:pilarmarrero700@gmail.com) and we will consult the experts to get the answers. These questions were gathered through social media.

**Question: "I am a citizen and I live with my boyfriend, who has DACA. If the Supreme Court approves ending DACA, should I include my boyfriend's information in the census count of my household? I am afraid including him may have negative consequences for him."**

The DACA program, a deferred-action decision allowing temporary legal status to hundreds of thousands of immigrants who arrived in the United States as children, was put in place by President Barack Obama in 2012. In 2017, the Trump administration announced it would phase out the program, alleging that it was illegal from the very beginning.

Several lawsuits argued that Trump's planned termination of DACA violates federal law requiring certain procedures before major rules are changed, as well as equal protection and due process guarantees.

Federal courts issued nationwide injunctions blocking the administration's plans to end DACA and forcing the continuation of program renewals. The Supreme Court took up the cases before lower courts had fully heard them, an unusual step. A hearing was held in November in front of the Supreme Court, which could issue its ruling at any time before June.

That means the final decision on DACA could come in the middle of census field operations, which start in remote areas of Alaska in January and continue through several phases up until the end of July.

More than 700,000 people in the United States have active DACA permits, and they often live in mixed-status families with others who have a variety of immigration situations or are native-born citizens. People may fear that they are putting family members in some kind of danger by naming them in the household's census response.

But that is not so, said Daniel Sharp, legal director for the Central American Resource Center in Los Angeles, a leading organization helping young immigrants with DACA become aware of their rights under terms of the policy.

Sharp worries that DACA holders or their families won't participate in the census due to the misconception that their name and other information could be disclosed to the Department of Homeland Security and used against them for potential immigration enforcement.

"There's a two-part answer to that question," Sharp said.

The first is that the Census Bureau has very strict laws about sharing personal information. "The confidential protection laws that apply to the census information are among the strongest that exist in our laws," Sharp said. "The U.S. Census Bureau is prohibited from virtually all inter-agency information sharing."

That means the Census Bureau can't disclose the person's name, their immigration status or any other information. It can only share "aggregated data," meaning how many people are in a particular demographic group, for example, but cannot pass on any individual's information to any other department of the government. "This is by law," Sharp added.

The second answer to that question is that adding the DACA holder to a particular household's census answer does not give the government any additional information it does not already have due to the person's having applied for DACA.

"The federal government already has all this information," the lawyer said. "Whatever risk of deportation the individual DACA holder has is independent of whether or not they participate in the census. They have given their information to the government when they applied and renewed their DACA. Even if they moved, the government could track their social security number and find where they work or live."

Furthermore, the information given to the government by DACA holders is protected under terms of the 2012 policy stipulating that the government may not use the information for immigration enforcement unless the person poses a national security risk.

The issue itself is in litigation right now. The federal government is under a nationwide injunction to follow its original 2012 promise about not sharing or using DACA recipients' private information for enforcement purposes against them or their family members unless certain circumstances exist, such as that the person poses a national security threat or has committed certain crimes.

Sharp says that adding DACA holders to the census responses in the household where they live is "desirable and encouraged. The information is safe, and it's important to be counted."

Sharp also recently emphasized that even in the case of an adverse Supreme Court decision on the DACA program, most of those affected would still have the right to defend themselves in court against a deportation order and are likely to be able to stay in the country for years, even in that worst-case scenario.

Activists and lawyers want to make sure that every DACA holder is counted in the census because even if they spend years battling to legalize their status in the long term, they have the right in the meantime to get the resources and services everyone else gets from the once-every-10-year population count.