



**VIA USPS CERTIFIED MAIL and ELECTRONIC MAIL: [PRAComments@doc.gov](mailto:PRAComments@doc.gov)**

Jennifer Jessup  
Departmental Paperwork Clearance Officer  
Department of Commerce  
Room 6616  
14<sup>th</sup> and Constitution Avenue NW  
Washington, DC 20230

RE: **Comments on Proposed Information Collection on 2020 Census  
Docket No. USBC2018-0005**

Dear Jennifer Jessup:

On behalf of our organizational partners, Advancement Project's national office submits these comments in response to the *Federal Register* Notice<sup>1</sup> regarding the Census Bureau's Proposed Information Collection for the 2020 Census. We are gravely concerned that the proposed collection of citizenship status information from all respondents of the 2020 Census will have devastating impacts on members of the communities we serve. For the reasons below, the proposed additional question must not be added because it is untested, unfair, not helpful, not needed, and it will have a huge negative impact on the communities we serve.

Advancement Project is a next generation, multi-racial civil rights organization based in Washington, DC. Rooted in the great human rights struggles for equality and justice, we exist to fulfill America's promise of a caring, inclusive and just democracy. Advancement Project's Immigrant Justice Project supports grassroots organizations in litigation, advocacy, organizing and communications to build power in their local communities by working together to dismantle racist policies and structures that result in the criminalization of migration. Likewise, Advancement Project's Power and Democracy Program works to overcome, racially discriminatory voting provisions and to advocate for a fundamental right to vote. We work with our partners to build a voting rights movement based on equal access to the ballot and the power of the people to advance change.

Advancement Project and our partners urge the Census Bureau to remove from the 2020 Census form the proposed question regarding citizenship status. The addition of this question to the

---

<sup>1</sup> Proposed Information Collection: Comment Request; 2020 Census, 83 Fed. Reg. 111 (proposed Jun. 8, 2018).

decennial census form is not necessary for the proper performance of the Census Bureau to meet its purpose of “obtaining complete and accurate data.”<sup>2</sup> The collection of citizenship status information from each and every 2020 Census respondent will have limited practical utility to the Census Bureau, the government, or the public at large. In fact, the addition of the question on citizenship status is counter-productive to the Census Bureau’s mission because it will make hard-to-count communities, including Limited English Proficient people, immigrants, and other communities of color less likely to participate in the census. This is likely to result in an inaccurate count and have significant long-term consequences related to apportionment, allocation of federal resources, redistricting and other census-based policymaking.

### Procedural Concerns with the Inclusion of the Citizenship Question in the 2020 Census

First, the citizenship question has not been properly tested and could result in increased non-response rates. The government’s promulgation of the citizenship status question is risky and irresponsible, as it jeopardizes this once-in-a-decade opportunity to get an accurate census count. Preliminary research by the Census Bureau dating back to September 2017, prior to the official introduction of the citizenship status question, already showed a notable concern among respondents about confidentiality, including fears related to the government’s collection and use of immigration data, particularly among immigrant respondents.<sup>3</sup> Due to prominent concerns about potential barriers to respondent participation, the Census Bureau’s internal assessment recommended a systematic study to evaluate confidentiality concerns among immigrant and Limited English Proficient populations, as well as testing of design and wording of questions.<sup>4</sup> These internal recommendations have been ignored, and despite these acknowledged challenges to full participation in Census 2020, especially among hard-to-count populations, rigorous testing has not been conducted for the citizenship question.

Second, the government offers a specious reason for adding the citizenship status question: The Department of Justice claimed, and the Department of Commerce and Census Bureau accepted without adequate scrutiny, the reasoning that this additional data collection is necessary for the enforcement of Section 2 of the Voting Rights Act of 1965 (VRA), to protect minority voting rights. The government contends that this information is needed to identify “localities where voting rights violations are alleged or suspected.”<sup>5</sup> The Citizen Voting Age Population data useful for enforcement of the VRA is already available through American Community Survey data or the census “long form” data. While Commerce Secretary Wilbur Ross suggests that the

---

<sup>2</sup> Memorandum from Secretary Wilbur Ross, Dep’t of Commerce to Karen Dunn Kelley, Under Secretary for Economic Affairs (Mar. 26, 2018) [https://www.commerce.gov/sites/commerce.gov/files/2018-03-26\\_2.pdf](https://www.commerce.gov/sites/commerce.gov/files/2018-03-26_2.pdf).

<sup>3</sup> Memorandum from Census Bureau Center for Survey Measurement to Associate Directorate for Research and Methodology (Sep. 20, 2017) <https://www2.census.gov/cac/nac/meetings/2017-11/Memo-Regarding-Respondent-Confidentiality-Concerns.pdf>.

<sup>4</sup> U.S. GOV’T ACCOUNTABILITY OFFICE, GAO-11-45, 2010 CENSUS: KEY EFFORTS TO INCLUDE HARD-TO-COUNT POPULATIONS WENT GENERALLY AS PLANNED; IMPROVEMENTS COULD MAKE THE EFFORTS MORE EFFECTIVE FOR NEXT CENSUS 1, 31-33 (2010) <https://www.gao.gov/assets/320/313927.pdf>.

<sup>5</sup> Priscilla Alvarez, *The Controversial Question DOJ Wants to Add to the U.S. Census*, THE ATLANTIC, JAN. 10, 2018.

data is insufficiently reliable, there is no indication that the addition of the citizenship question to the 2020 questionnaire will be any more reliable for the reasons outlined above.

Third, the introduction of this question has occurred against a backdrop of increasing hostility toward immigrants, particularly Muslim and Latino immigrants, unchecked or fomented by this administration. In the eyes of many, this rulemaking by the Census Bureau is a means to target and ultimately disempower immigrants, under the pretext of voter protection or census improvement. In connection with the administration's sham "Presidential Advisory Commission on Election Integrity," its continuous demonization of immigrants, and the recent Zero-Tolerance family separation policy, this is yet another move designed to divide and separate immigrants from participating in and accessing democracy.

Finally, while the purpose of census data collection is, by law, only for use anonymously and for statistical purposes, the threat of privacy and security remains foremost for many immigrant communities. The census operations include significant administrative coordination and use of administrative records from other federal agencies to verify or match missing information. There is no guarantee that the data collected would not be used to identify, persecute, or otherwise discriminate against non-citizens, individually or collectively, and result in another database for surveillance and immigration enforcement.

### The Harmful Impact of Including the Citizenship Status Question to 2020 Census

The addition of a question on citizenship status on the 2020 Census will result in lower participation among communities that are already hard to count,<sup>6</sup> including people of color, low-income people, children, non-English-speaking people and immigrant populations. This is likely to result in significant inaccuracies in the 2020 Census, potentially excluding millions from hard-to-count populations. The census as a whole, therefore, will be less accurate overall, in particular creating an undercount of hard-to-count populations against a potential overcount of affluent groups.<sup>7</sup> The results of Census 2020 could lead to serious flaws in allocation of funding and distribution of federal resources.<sup>8</sup>

Reduced Participation. As a result of the citizenship question, hard-to-count populations are more likely NOT to participate in Census 2020, due to fear and distrust of the government and its

---

<sup>6</sup> "Groups that have been identified as harder to count are . . . racial and ethnic minorities, persons who do not speak English fluently, lower income persons, homeless persons, undocumented immigrants, young mobile persons, children, persons who are angry at and/or distrust the government, LGBTQ persons." CENSUS NAT'L ADVISORY COMM. ON RACIAL, ETHNIC & OTHER POPULATIONS, ADMIN. RECORDS, INTERNET & HARD TO COUNT POPULATION WORKING GRP. REPORT 2 (2006) [https://www2.census.gov/cac/nac/reports/2016-07-admin\\_internet-wg-report.pdf](https://www2.census.gov/cac/nac/reports/2016-07-admin_internet-wg-report.pdf).

<sup>7</sup> See GAO-11-45 2010 CENSUS: KEY EFFORTS, *supra* note 4, at 1.

<sup>8</sup> Note that the Census Bureau undertook a strategic outreach initiative to confront the challenge of enumerating hard-to-count (HTC) groups, such as minorities and renters, which was found by the U.S. Government Accountability Office to have been effective in maintaining participation among HTC groups. Recommendations were made for improvement for Census 2020.

potential misuse of any information provided.<sup>9</sup> Participation from respondents in immigrant communities, including both legal and undocumented immigrants, will be reduced based on their fear that citizenship status information will be used in a way that may be harmful to themselves and to their families or communities.<sup>10</sup> The addition of a citizenship question will have a chilling effect especially on mixed-status households—those containing both citizens and non-citizens—households that include millions of children.<sup>11</sup> Over 5.5 million children have at least one undocumented parent; an estimated 4.5 million of these children are U.S. Citizens who were born in this country.<sup>12</sup> Millions of children, including over one million children under 18 are undocumented and may be uncounted if their parents are afraid to participate.<sup>13</sup>

Disproportionate Impact on Our Partners. Communities of color, including Asian American and Latino communities, will be disproportionately affected by the chilling effect on participation due to fear of responding to the citizenship status question. Even individuals who are not in mixed-status households may be reluctant to participate due to fear and distrust that the inquiry may result in harm to friends, family, community members and the immigrant community overall. Over 59% of the Asian American population of the U.S. is foreign-born, and approximately 48% of Latinos are foreign-born.<sup>14</sup> Recent years have seen a growing Black and African immigrant population as well.<sup>15</sup> Over 8.8 million people in the U.S. are eligible to naturalize but have not yet done so or are enduring long waiting periods—they are still non-citizens.<sup>16</sup> Without adequate education or assurance that indicating non-citizenship to this question will not have adverse consequences, the citizenship status question will still be a barrier to participation in the census, which has struggled to maintain adequate or increased participation in each decennial census.<sup>17</sup>

---

<sup>9</sup> E.g., WeCount!, an organization that serves the farmworker community in the Homestead area of Miami-Dade County, Florida, which serves thousands of immigrants each year, has been alarmed by increased harassment and surveillance by government officials due to increased U.S. Immigration and Customs Enforcement activity in the region. “The inclusion of a citizenship question in the 2020 census will suppress participation in immigrant neighborhoods, reducing representation and funding for vital services. It seems designed to reduce immigrant representation and power.” Email from Jonathan Fried, Executive Director of WeCount! to Losmin Jimenez, Advancement Project, Aug. 2, 2018 (on file with Advancement Project-National Office).

<sup>10</sup> See Memorandum from Census Bureau Center for Survey Measurement, *supra* note 3.

<sup>11</sup> Miriam Jordan, *If Census Asks About Citizenship, Some Already Have an Answer: No Comment*, N.Y. TIMES, Mar. 27, 2018, <https://www.nytimes.com/2018/03/27/us/census-undocumented-immigrants.html>.

<sup>12</sup> JEFFREY S. PASSEL & D’VERA COHN, PEW RESEARCH CENTER, UNAUTHORIZED IMMIGRANT POPULATION: NATIONAL AND STATE TRENDS, 2010 (2011), <http://www.pewhispanic.org/2011/02/01/undocumented-immigrant-population-national-and-state-trends-2010/>.

<sup>13</sup> *Id.*

<sup>14</sup> GUSTAVO LOPEZ, NEIL G. RUIZ & EILEEN PATTEN, PEW RESEARCH CENTER, KEY FACTS ABOUT ASIAN AMERICANS, A DIVERSE AND GROWING POPULATION (2017), <http://www.pewresearch.org/fact-tank/2017/09/08/key-facts-about-asian-americans/>; Suzanne Gamboa, *New National Campaign Urges Residents to Naturalize, Vote*, NBC NEWS, Dec. 10, 2015, <https://www.nbcnews.com/news/latino/new-national-campaign-urges-legal-residents-naturalize-vote-n477916>.

<sup>15</sup> MONICA ANDERSON & GUSTAVO LÓPEZ, PEW RESEARCH CENTER, KEY FACTS ABOUT BLACK IMMIGRANTS IN THE U.S. (2017) <http://www.pewresearch.org/fact-tank/2018/01/24/key-facts-about-black-immigrants-in-the-u-s/>

<sup>16</sup> Suzanne Gamboa, *New National Campaign Urges Residents to Naturalize, Vote*, NBC NEWS, Dec. 10, 2015, <https://www.nbcnews.com/news/latino/new-national-campaign-urges-legal-residents-naturalize-vote-n477916>.

<sup>17</sup> See GAO-11-45 2010 CENSUS: KEY EFFORTS, *supra* note 4, at 1, 31; See CENSUS NAT’L ADVISORY COMM.

Damaging Undercount. An inaccurate census count that fails to include all persons residing in the U.S. will have disastrous and long-term consequences for many communities, especially undercounted communities, including immigrants, children, communities of color and low-income people. Ultimately, the undercount could result in many years, if not generations, of inequitable distribution of national resources and unequal representation. An undercount will result in diversion of federal resources for essential community needs, including elderly assistance, hospitals and clinics, schools and transportation. Additionally, decisions about the allocation of business, employment, housing and infrastructure development opportunities will be impacted. Many undercounted communities will also be inadequately represented during reapportionment and redistricting and could lose political representation or have their political power significantly diluted.<sup>18</sup>

Adding this intrusive and unnecessary citizenship status question on the Census questionnaire exacerbates a culture of fear and normalizes a culture of surveillance for all non-citizens regardless of legal status. The proposed Census operations also rely for some enumeration on proxies (e.g., neighbors or landlords), who would be asked to provide information about their neighbors or tenants in the event of non-response. With regard to the citizenship question, this process could lead to some enumeration based on assumptions, or worse, based on intrusive questioning and surveillance, by proxies to discern the citizenship status of individuals who may not wish to share such personal, private information. Additionally, the already challenging enumeration that occurs at various special locations, like homeless shelters and domestic violence shelters, can also have the effect of deterring non-citizens from accessing these services to protect their identities.<sup>19</sup>

In closing, we oppose including a question in the 2020 Census asking about citizenship status and urge the Department of Commerce to remove the proposed citizenship question from the data collection forms. Thank you for the opportunity to provide comments on this important issue.

Sincerely,



Judith Browne Dianis

Executive Director

Advancement Project-National Office

---

WORKING GRP. REPORT, *supra* note 6, at 2, 7-11.

<sup>18</sup> Emily Badger, *A Census Question That Could Change How Power Is Divided in America*, N.Y. TIMES, Jul. 31, 2018, <https://www.nytimes.com/2018/07/31/upshot/Census-question-citizenship-power.html?hp&action=click&pgtype=Homepage&clickSource=story-heading&module=first-column-region&region=top-news&WT.nav=top-news>.

<sup>19</sup> See GAO-11-45 2010 CENSUS: KEY EFFORTS, *supra* note 4, at 20-24.