




OREGON DEPARTMENT OF FISH & WILDLIFE POLICY

Director's Office

Title:	Immigration Policy	DO 100_08
Supersedes:		
Applicability:	This policy applies to all full-time, part-time, limited duration, seasonal, and temporary employees of the Department of Fish and Wildlife.	
Reference:		
Effective Date:	May 1, 2025	Approved: 

I. PURPOSE

This policy explains:

- The limited circumstances under which employees of the Oregon Department of Fish and Wildlife (ODFW) may ask a person for their country of birth, citizenship or immigration status information.
- The rules governing retention and destruction, and access to citizenship or immigration status information.
- That citizenship or immigration status or country of birth information collected by ODFW generally may not be disclosed, unless a statutory exception applies.
- That certain protected information may not be disclosed by ODFW for the purpose of enforcing federal immigration laws, unless a statutory exception applies.
- Under what circumstances such information be shared or disclosed by ODFW.

Any person who regularly interacts with clients or members of the public, and anyone who can reasonably expect to come into possession of any person's citizenship or immigration status, or country of birth information, or protected information should understand this policy. ODFW has designated the Chief Operating Officer as a resource for employees who may have questions about this policy. The Human Resources Division Administrator will serve as a back-up for questions

II. DEFINITIONS

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

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

III. POLICY

A. Collection of Information Regarding an Individuals Immigration Status

Oregon law prohibits public bodies, including ODFW, from inquiring or collecting information regarding an individual's immigration or citizenship status or country of birth except for narrow exceptions.

The exception would be for ODFW Human Resources staff who are legally required to ask for citizenship or immigration status or country of birth information to verify employees' employment eligibility. To meet these requirements, ODFW Human Resources Division staff collects citizenship or immigration status or country of birth information outlined in the Department of Homeland Security U.S. Citizenship and Immigration Services I-9 Form solely for the purpose of verifying employment eligibility of an applicant.

Outside of this requirement performed by ODFW Human Resources Division staff, asking about citizenship or immigration status or country of birth information violates state law.

B. Retention of Citizenship, Immigration Status, Country of Birth or Other Protected Information

When ODFW Human Resources Division staff collect information to use for employment verification, the retention of that information is governed by schedules adopted pursuant to ORS 192.018, 192.105 and 192.108. In addition, the retention period for employment eligibility verification is outlined on 8 CFR 274 and OAR 166-300-0040.

C. Sharing or Disclosing Citizenship, Immigration Status, Country of Birth or Other Protected Information

Oregon law generally prohibits public bodies from sharing or disclosing citizenship or immigration status or country of birth information that the public body collects.

ODFW staff will not share or disclose information unless one of the following exceptions applies:

- The disclosure is required by state or federal law (other than federal immigration law).
- The disclosure is required by a judicial order, judicial warrant, or judicial subpoena.
- The information being shared with a person concerns only that person or their dependents.
- The information is aggregated and not personally identifiable.

Disclosure of citizenship, immigration status, or country of birth information or other protected information shall be limited to ODFW Human Resources Division staff only, and only when required as described in this policy.

In addition to information related to citizenship, Oregon law also generally prohibits sharing the following protected information about a person if the purpose is for the enforcement of federal immigration law:

- Address;
- Workplace or hours of work;
- School or school hours;
- Contact information, including telephone number, electronic mail address or social media account information;
- Known associates or relatives; and
- Date, time or location of the person's hearings, proceedings or appointments with the public body that are not matters of public record; and
- Above information about a person's relatives or known associates likewise cannot be shared.

D. Contact with Federal Immigration Authorities

ODFW is not tasked with enforcing federal immigration law. Federal immigration authorities do not have unfettered authority to access ODFW's facilities, information, or records.

If ODFW staff are approached by federal immigration authorities, these steps will help ensure such interactions are handled appropriately:

- Ask federal immigration authorities to identify themselves.
- Request to copy or photograph identifying credentials, at least with respect to the official who appears to be in charge.
- Request to copy or photograph any other documentation including warrants, orders, or subpoenas presented by the federal immigration authorities.
- Ask about the purpose of the encounter.
- If access to areas not accessible to the public is requested, inquire whether the access has been authorized by a judicial order, judicial subpoena, or judicial warrant. If so, request to copy or photograph the order before granting access.
- If the agent does not present a judicial order, judicial subpoena, or judicial warrant, decline to provide information or access.
- If the encounter is in any way uncomfortable, ask the federal officials to wait. Consult with a supervisor or with an attorney.
- Document the encounter in detail, including time and date, duration, location, name of the federal immigration authority, name of the agents present, additional witnesses, what was requested (information, access, etc.), what was done by whom, and how the encounter concluded.
- Provide the documentation and copies of any documents to your supervisor immediately.

E. Federal Immigration Authorities' Access to Public Facilities

ODFW does not consent to federal immigration authorities entering areas of ODFW's facilities that are not generally open to the public for purposes of enforcing federal immigration law. Consequently, employees of ODFW are not required to or authorized to grant consent to federal immigration authorities for access to those areas, unless presented with a judicial warrant or other judicial order that grants access.

Many forms used by US Immigration and Customs Enforcement (ICE) or other federal immigration authorities look official, but an ICE form is not a judicial order. A judicial order will have the following features:

- A caption, near the top of the document, identifying the court that issued the order (typically the federal district court for the District of Oregon); and
- A signature block, near the end of the document, including the name of the person who signed the order, and identifying that individual as a judge, magistrate, clerk of court, or other person signing on behalf of a judge or magistrate.

By contrast, an ICE form will identify ICE (or US Department of Homeland Security) as the issuer of the document, and the signature block on an ICE form will not identify the person who signed it as a judge or magistrate. If you are presented with a document and are unsure whether it is a judicial order, consult your supervisor or the point of contact as designated by this policy.