

FACT SHEETS

President Donald J. Trump Is Taking Action to Ensure American Citizens Receive Proper Representation in Congress

— IMMIGRATION

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We will collect all of the information we need to conduct an accurate census and to make responsible decisions about public policy, voting rights, and representation in Congress.

President Donald J. Trump

PROTECTING AMERICAN DEMOCRACY: President Donald J. Trump is taking action to prevent illegal aliens from being counted in the 2020 census for the purpose of apportionment.

- President Trump is issuing a memorandum clarifying that illegal aliens are not to be included for the purpose of apportionment of Representatives following the 2020 census.
- This follows the President’s order directing the Federal government to collect the information needed to ensure that accurate citizenship data is compiled in connection with the census.
- Giving congressional representation and political influence to illegal aliens – people who have blatantly disregarded our laws – would be a perversion of our democratic principles.
- Allowing illegal aliens to be counted for the purpose of apportionment could also create perverse incentives – such as potentially rewarding states that encourage violations of Federal

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immigration law – that would undermine our system of government.

- President Trump will never allow our democracy to be eroded by giving congressional representation to illegal aliens when the Constitution does not require it.

UPHOLDING CONSTITUTIONAL PRINCIPLES: Excluding illegal aliens for the purpose of apportionment reflects a better understanding of our Constitution and democratic principles.

- The Constitution does not specifically define which persons must be included for the purposes of apportionment and requires only that Representatives be apportioned according to what has long been understood to mean the “inhabitants” of each State.
- Under the law, Congress and the President are required to make judgments concerning which persons should be considered inhabitants of a State for the purpose of apportionment.
 - For example, people only temporarily in the United States, such as those only in the country for business or tourism, have long been excluded from this count.
 - Likewise, overseas military and other Federal personnel have at times been included in and excluded from the populations of states where they maintain homes of record.
- As the Supreme Court recognized in *Franklin v. Massachusetts*, inclusion in the apportionment base may require “more than mere physical presence,” including “some element of allegiance or enduring tie to a place.”
- Failure to exclude illegal immigrants for the purposes of apportionment would have major ramifications and could cause some American citizens to be proportionally underrepresented.
 - Estimates suggest that one State – home to more than 2.2 million illegal aliens – could receive two or three more congressional seats than would otherwise be allocated.

PRIORITIZING AMERICANS: President Trump is always working to put American citizens first.

- After years of neglect, President Trump is restoring the rule of law, securing our border, and protecting our Nation’s communities.
- The President is reversing disastrous trade deals that shipped our jobs overseas and is replacing them with better deals, like the United States-Mexico-Canada Agreement.

- To give American workers first priority in our coronavirus recovery, the President has extended and expanded the suspension of certain visas through the end of the year.
- The President is also ensuring that immigrants to our country are self-sufficient and do not strain American's public welfare or healthcare systems.