

OVERVIEW

This bill is a huge step in protecting Virginians from abusive and unconstitutional ICE tactics. This bill limits the ways in which Virginia law enforcement can collaborate with ICE and other federal agencies to enforce immigration law.

It addresses informal collaboration, as well as contracts that allow ICE to use Virginia officers to enforce federal immigration law (“287g agreements”) and contracts that allow Virginia jails to detain people for ICE (called “Intergovernmental Service Agreements,” or “IGSAs”).

What this bill does:

- **Starting July 1, 2026, prevents many forms of informal collaboration with ICE** without a judicial warrant.
- **Starting September 1, 2026, limits agreements with ICE (287gs and detention-related IGSAs),** by putting conditions on these contracts.
- **Allows the Attorney General to hold law enforcement accountable.** The Attorney General, an attorney for the Commonwealth, or a county/city attorney may enforce the law in court.

What does this look like in practice?

1. No time or resources can be spent assisting in civil immigration enforcement unless there is a judicial warrant. This means officers generally can’t participate in immigration enforcement unless a judge has approved it.

Without a judicial warrant:

- Sheriff’s deputies and police officers cannot notify ICE of release times (call, email, text) for the purpose of enforcing federal immigration laws.
- Sheriff’s deputies cannot hold people past their release time.
- Sheriff’s deputies and police officers cannot call ICE during a traffic stop only for immigrant purposes.

2. No contracts to detain people for ICE or enforce civil immigration law unless the federal government agrees to Virginia’s 12 conditions:

- For example, that Virginia law enforcement will only work with ICE if they agree to follow the laws of Virginia and the constitution, refrain from certain abusive tactics, and agree to be held accountable in Virginia courts.

- All 287g agreements and IGSAs that allow civil immigration detention must adopt the conditions by Sept. 1 or become unenforceable.
- This impacts Riverside Regional Jail, Caroline Detention Center, and other regional jails with IGSAs to detain people for ICE.

3. Some collaboration with federal agencies to support immigration enforcement is still permitted:

- **Criminal investigations:** Officers can still work with federal agencies on criminal investigations, including joint task forces.
- **Detainers:** Sheriffs may but are not required to honor ICE detainers.
- **Warrantless arrest:** Virginia law enforcement is permitted to arrest someone who is undocumented without a warrant if there is reasonable suspicion that they are committing a crime, and that person has previously been convicted of a felony. This person is entitled to a hearing before a magistrate judge.
- **Inquiry & reporting:** When incarcerated, officers must inquire and report the immigration status of an adult who is charged or convicted of a felony.
- **Transfer to ICE:** Sheriff or warden may but is not required to transfer someone who is convicted of certain felony or drug offenses.

The fight continues....

This law is one piece of much larger movement for immigrants' rights in Virginia. The work continues to push for stronger protections for immigrants, and to fight for the access, safety, and thriving for undocumented and low-income Virginians.

Here are some ways you can continue to push Virginia forward:

- Submit FOIA requests to seek information. Monitor your sheriffs, jails, or police departments to make sure they are not violating the new law.
- Participate in local accountability campaigns to further limit collaboration with ICE and establish trust policies and modify police general orders. Sheriffs are not required to honor detainers and may choose to if they wish. Demand that they do not honor ICE detainers and instead require judicial warrants.
- Continue to advocate to your legislator to strengthen protections at the state-level.
- Seek litigation options if someone is held past their release date—this has and always will violation the Virginia and U.S. Constitutions.
- Advocate to strengthen these protections at the General Assembly.