

CASE NO. 26-2258

In the United States Court of Appeals for the Fourth Circuit

UNITED STATES OF AMERICA,
Plaintiff,

v.

COMMONWEALTH OF VIRGINIA,
Defendant.

APPEAL OF PRELIMINARY INJUNCTION ENTERED AUGUST 31, 2026, IN
UNITED STATES V. COMMONWEALTH, 3:26-00545, BY THE HON. ROBERT
PAYNE, EASTERN DISTRICT OF VIRGINIA

**AMICUS BRIEF OF LEGAL AID JUSTICE CENTER IN SUPPORT OF
APPELLANT COMMONWEALTH OF VIRGINIA**

Alex Kornya
Angela Ciolfi
THE LEGAL AID JUSTICE CENTER
1000 Preston Ave. Ste. A
Charlottesville, VA 22903
alexkornya@justice4all.org
aciolfi@justice4all.org
(434) 367-6068
Counsel for Amicus

Caroline McCance
Emily Lopynski
Rohmah Javed
Abigail Marshak
THE LEGAL AID JUSTICE CENTER
6402 Arlington Blvd, Ste. 1130
Falls Church, VA 22042
caroline@justice4all.org
emilylopynski@justice4all.org
rohmah@justice4all.org
abigailmarshak@justice4all.org
(703) 778-3450
Counsel for Amicus

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<i>The 287(g) Program: An Overview</i> , American Immigration Council (May 15, 2025), https://www.americanimmigrationcouncil.org/fact-sheet/287g-programimmigration/	7
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STATEMENT OF INTEREST

The Legal Aid Justice Center (LAJC) is a statewide nonprofit legal advocacy organization that has served low-income Virginians for nearly sixty years. Since 1998, LAJC's Immigrant Justice Program has represented immigrants throughout Virginia in civil rights, detention, removal, and humanitarian immigration matters while advocating for immigration enforcement policies that are consistent with public safety, as well as Virginia and federal law.

LAJC brings to this case a perspective rooted in both direct representation of people impacted by immigration enforcement and statewide investigation of the local-federal enforcement relationships at issue here. Since March 2025, LAJC has undertaken an extensive statewide investigation of local immigration enforcement partnerships in Virginia. Legal Aid Justice Center, *Unmasking ICE*, (October 2, 2026) <https://www.justice4all.org/what-we-do/immigration/icecontracts/>. LAJC has submitted over one hundred Virginia Freedom of Information Act (VFOIA) requests, reviewed thousands of pages of records and policies concerning local cooperation with ICE, monitored implementation of immigration enforcement practices across the Commonwealth, and documented the effects those practices have had on immigrant communities in Virginia. The records LAJC obtained include 287(g) agreements, training materials, agency policies, communications between local agencies and ICE, records concerning immigration-related arrests, and other

materials documenting how these agreements operate in practice.

That investigation provided LAJC with firsthand insight into the terms of 287(g) agreements in Virginia, the respective roles of state and federal officials under those agreements, and legal and practical consequences that follow when local officers engage in civil immigration enforcement. LAJC's perspective on Va. Code § 15.2-1726.1 also derives from its work educating legislators and stakeholders during the consideration of this law in the 2026 Virginia General Assembly. LAJC's experience equips it to assist the Court in evaluating the practical and legal operation of 287(g) contracts in Virginia. LAJC can provide the Court with context not readily available from the face of the agreements or the federal statutory framework alone.

ARGUMENT

This brief will assist the Court in understanding three aspects of the case particularly relevant to its analysis: the history and operation of 287(g) agreements in Virginia, the distinct legal authorities exercised by Virginia law enforcement and federal immigration officers participating in those agreements, and the Commonwealth's long-standing authority to define the powers and duties of its own political subdivisions.

I. Since 2025, Virginia has experienced an unprecedented expansion of Task Force Model 287(g) agreements, fundamentally changing the scope of local participation in federal immigration enforcement.

According to the district court, it preserved the “status quo” in Virginia by enjoining Section 15.2-1726.1. SA68. But that framing obscures the dramatic changes that in part prompted the General Assembly to act. Prior to 2025, Virginia had few active 287(g) agreements, a handful of agreements largely restricted to state detention facilities. Since January 2025, Virginia localities signed over two dozen agreements, overwhelmingly under the Task Force Model (TFM), which permits participating officers to exercise delegated immigration-enforcement authority anywhere in the community.

The General Assembly thus enacted Section 15.2-1726.1 against a materially different backdrop from when Virginia's earlier 287(g) agreements were in place. The district court’s decision is based in part on a failure to fully analyze how fundamentally 287(g) has changed within the last 18 months, and so it is important for this Court to understand how things have changed.

a. How 287(g) agreements work

Under § 287(g), Department of Homeland Security (DHS) delegates specified immigration-enforcement authority to state and local law-enforcement officers by contract, *to the extent consistent with state and local law*. 8 U.S.C. § 1357(g)(1), (5). The actual powers and duties that ICE purports to convey to credentialed 287(g)

officers are spelled out in Memoranda of Agreement (MOA). 8 U.S.C. § 1357(g)(5); *see, e.g. United States v. Commonwealth*, No. 3:26-cv-00545, ECF No. 48-1 at 5–6 (E.D. Va. July 15, 2026) (example of delegated powers section of MOA). After the MOA is signed, individual officers must be nominated by their agency, complete training required by ICE, pass an examination and other credentialing requirements, and then be certified by ICE. *United States v. Commonwealth*, No. 3:26-cv-00545, ECF No. 48-1 at 5, 7–8.

The primary form of 287(g) agreement operative in Virginia today is the recently resurrected TFM, which the district court described as “allow[ing] local law enforcement officers to be designated as immigration officers to serve on routine police duties or as an active participant in an ICE-led task force.” SA26. Unfortunately, this description fails to capture the full scope of risk of liability and invasion of sovereignty inherent in TFM agreements. TFM agreements delegate civil immigration enforcement authority broadly across a range of ordinary law enforcement activities and settings. *See, e.g., United States v. Commonwealth*, No. 3:26-cv-00545, ECF No. 48-1 at 5–6. TFM activities permeate all contexts where law enforcement operates, including but not limited to traffic stops,¹ courthouse

¹ These occur in the context of individual traffic stops and dragnet style sweeps. *See* Laurence Hammack, *Franklin County sheriff's deputies often make immigration arrests for ICE*, Roanoke Times (Apr. 5, 2026), <https://perma.cc/B4XK-WH89>; Nathan Alderman, *Greene sheriff adds 40 missing calls to traffic stop data*, C-

security, schools,² behavioral health support programs,³ community corrections,⁴ and any other activity that Virginia law enforcement may otherwise ordinarily conduct. Unlike past agreements, which for fifteen years were limited to people already arrested, a TFM agreement allows local police to exceed the scope of their

VILLE Weekly (Sept. 16, 2026), <https://c-ville.com/forty-traffic-stops-missing-from-greene-county-sheriffs-legally-required-data-for-june-23-immigration-raids-with/>. The latter are reminiscent of the practices in Arizona made infamous by former Maricopa County Sheriff Joe Arpaio. *U.S. Department of Justice, Department of Justice Files Lawsuit in Arizona Against Maricopa County, Maricopa County Sheriff's Office, and Sheriff Joseph Arpaio* (May 10, 2012), <https://www.justice.gov/archives/opa/pr/departments-justice-files-lawsuit-arizona-against-maricopa-county-maricopa-county-sheriff-s>.

² Washington and Buckingham Counties have both certified School Resource Officers under their 287(g) contracts, whose duties involve postings at public schools. *United States v. Commonwealth*, No. 3:26-cv-00545, ECF No. 48-1 at 40, 42. Virginia has recently reaffirmed its clear state interest in preventing immigration enforcement actions on school grounds. Va. Code §22.1-2.2 (2026) (*see* Va. Acts 2026, chs. 680, 681). Immigration enforcement in schools also implicates longstanding privacy protections, including the privacy of educational records under the Family Education Rights and Privacy Act, 20 U.S.C. § 1232g, and the confidentiality of juvenile law enforcement records. *See* Va. Code § 16.1-301.

³ Washington County has also certified a “behavioral health advocate” to conduct other civil immigration enforcement activity under its 287(g) agreement. *United States v. Commonwealth*, No. 3:26-cv-00545, ECF No. 48-1 at 40.

⁴ Before Governor Spanberger terminated Virginia’s 287(g) contracts at the state level in 2026, VADOC shared information with ICE about parolees, including but not their real-time locations via the “Shadowtrack” GPS tracking systems. *United States v. Commonwealth*, No. 3:26-cv-00545, ECF No. 48-1 at 190. VADOC also shared information with ICE about not just removable noncitizens, but also anyone who they classified as “foreign born,” which they acknowledged could include U.S. Citizens. *Id.*

usual duties, engaging in immigration enforcement anytime and anywhere.⁵

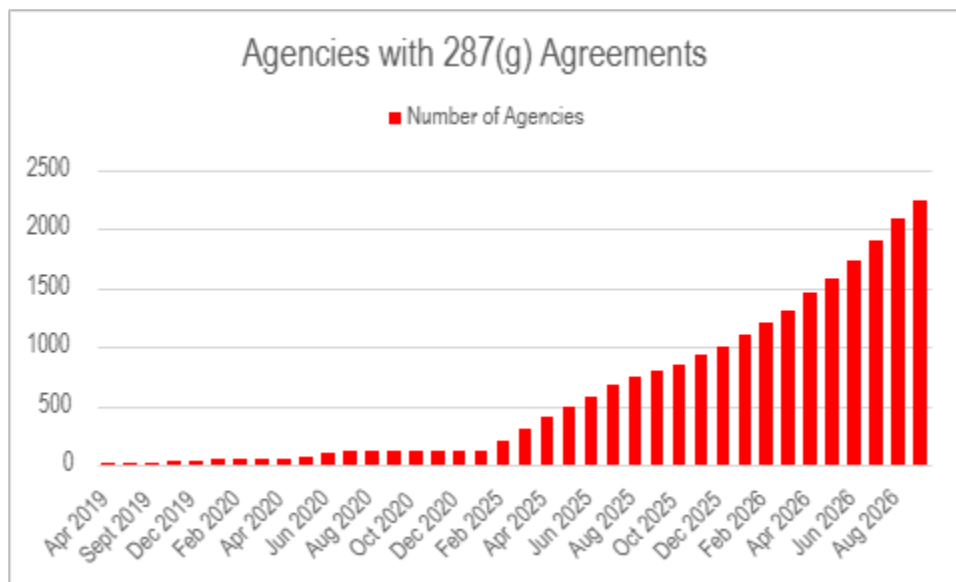
b. 287(g) expansion on the national level: exponential rise in participation, resurrection of the Task Force Model, and new financial incentives undercutting state sovereignty

The national landscape of 287(g) agreements has changed dramatically since January 2025, when only 85 state and local agencies nationwide participated in the 287(g) program. U.S. Immigration and Customs Enforcement, *Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act* (September 28, 2026), <https://perma.cc/FFV6-5BPT>. Just eighteen months later, ICE reported that 2,253 state and local agencies had one or more active 287(g) contracts – over twenty-six times⁶ the number of participating agencies in less than two years. *Id.*

⁵ As explained below, TFM agreements were discontinued in 2012, and only reinstated in January 2025. The other two more longstanding models of 287(g) agreements are limited to people already committed to state detention. The Jail Enforcement Model (JEM) delegates the power to interrogate state detainees about immigration status and support the removal process. *The 287(g) Program: An Overview*, American Immigration Council (May 15, 2025), <https://www.americanimmigrationcouncil.org/fact-sheet/287g-programimmigration/>. The Warrant Service Officer (WSO) model was introduced in 2019, and was explicitly intended to provide a narrower delegation of authority to reduce the risk of lawsuits challenging, among other things, unlawful detention based on conflicts with state laws limiting state detention authority. *See ICE Creates Program for Local Law Enforcement to Honor Immigration Detainers*, American Immigration Lawyers Association (May 6, 2019), <https://www.aila.org/library/ice-creates-program-for-local-law-enforcement>.

⁶ This also far surpasses even the high-water mark under the first Trump administration, which was 150. Abigail F. Kolker, *The 287(g) Program: State and Local Immigration Enforcement*, Congressional Research Services (Aug. 12, 2021), available at <https://perma.cc/63N6-XU5M>.

This growth is a massive jump from that seen prior to January 2025, as exhibited in the chart below:



Modeled using data produced by ICE for years 2019-2020 and 2025-2026. “Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act,” U.S. Immigration and Customs Enforcement (September 29, 11:40AM), <https://perma.cc/FFV6-5BPT>. (This data does not reflect 287(g) contracts that predated 2019, as ICE has not included that data in its publications.)

As of February 2026, 77.2 million people, or 32% of the country, live in jurisdictions with 287(g) contracts. *Deputized for Disaster*, American Civil Liberties Union (Feb 26, 2026), <https://perma.cc/LWR9-PVLM>. Two states, Florida and Texas, account for approximately 34% of all 287(g) contracts in the United States, which is unsurprising as their respective legislatures have demanded unprecedented, mandatory participation in 287(g). *See* Fla. Stat. § 908.11; Tex. Gov. Code § 753.051(a). Legislatures in these states, and others,⁷ have exercised their authority

⁷ The other states include Arkansas, Georgia, Mississippi, and Tennessee. *See* Ar. Code § 12-41-512(b); Ga. Code § 35-1-17(b)(2); Miss. Code § 45-51-7 (2026);

over local government contracts authority to define on what terms their political subdivisions will participate in the voluntary 287(g) program.

The change is not merely quantitative. The overwhelming majority of current agreements operate as TFMs. *Delegation of Immigration Authority* (Listing 1,849 TFM agencies as of September 28, 2026, roughly 82% of the total 287(g) agreements on that day). TFMs were employed by DHS during the first ten years of the 287(g) program, beginning in 2002. Randy Capps, *et al.*, *Delegation and Divergence: A Study of 287(g) State and Local Law Enforcement*, Migration Policy Institute, at 9 (January 2011) <https://perma.cc/V6H9-RBET>. During this time, United States Department of Justice civil-rights investigations found patterns of racial profiling in Maricopa County, Arizona, and Alamance County, North Carolina, both sheriff departments with TFM agreements. Huyen Pham & Pham H. Van, *Sheriffs, State Troopers, and the Spillover Effects of Immigration Policing*, 64 Ariz. L. Rev. 463, 467 (2022). DHS later discontinued TFM from 2012 to 2025. U.S. Immigration and Customs Enforcement, *FY 2012: ICE Announces Year-End Removal Numbers*,

Tenn. Code § 7-68-105 (2026). Louisiana and West Virginia require local detention facilities to enter into agreements to detain individuals for immigration purposes on behalf of the federal government, which includes but is not limited to 287(g) agreements. W. Va. Code §15-16-4 (2026); La. Rev Stat § 33:84(D) (2025). Overall, these states account for 60% of all 287(g) agreements as of September 28, 2026. *Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act*, <https://perma.cc/FFV6-5BPT>.

Highlight Focus on Key Priorities and Issues New National Detainer Guidance to Further Focus Resources, last accessed September 30, 2021, <https://perma.cc/V3FH-VS56>.

Finally, there is – at least for the moment – a new and powerful financial incentive to forgo local law enforcement priorities in favor of immigration enforcement. Section 287(g) is explicit that immigration enforcement activities may only be carried out “at the expense of the state[.]” 8 U.S.C. § 1357(g)(1). However, in Autumn 2025, the federal government began distributing the \$3.5 Billion appropriated in the One Big Beautiful Bill Act for state and local immigration enforcement to 287(g) TFM agencies. *See One Big Beautiful Bill Act (OBBBA)*, Pub. L. No. 119-21 (2025). Under this new monetary influx, which is likely to be temporary, each 287(g) TFM agency may receive reimbursement for TFM officers’ time spent on immigration activities, including 100% of normal salary and benefits, up to 25% of overtime, and up to \$1,000 in “performance bonuses.” U.S. Department of Homeland Security, *DHS Announces New Reimbursement Opportunities for State and Local Law Enforcement Partnering with ICE to Arrest the Worst of the Worst Criminal Illegal Aliens* (Sept. 2, 2025), <https://perma.cc/Z8PF-E3C5>. This precarious funding incentivizes immigration enforcement, at the expense of state and local law enforcement priorities.

c. 287(g) expansion in Virginia

Virginia localities' 287(g) expansion over the past 18 months mirrors the national trend. Since January 2025, Virginia has gone from zero active 287(g) agreements to nearly two dozen. *Delegation of Immigration Authority* (as of September 29, 2026). Although a handful of Virginia localities participated in the 287(g) program before 2025, the current expansion differs materially in both scale and scope of the delegation. The current state of 287(g) agreements in the Commonwealth is far from the "status quo." Appellant's Brief, ECF No. 7 at 64 ("Freezing the prior regime therefore does not preserve a neutral state of affairs. It preserves the federal government's preferred terms of cooperation while preventing Virginia's newly enacted policy from governing Virginia entities.")

In 2024, Virginia had no 287(g) agreements at all, as the two that had existed in the years immediately prior had been terminated by the localities themselves. *See, e.g.,* Laura Wainman, *Prince William County Jail Board ends ICE agreement*, WUSA 9 (June 18, 2020), <https://perma.cc/4YWU-V6GL>; Alison Brophy Champion, *Week one, new Culpeper sheriff making big changes*, Culpeper Star Exponent (January 9, 2024). Moreover, the few that did exist were more limited JEM agreements, focusing solely on immigration enforcement within county jails rather than in the community at large. *See, e.g.,* 287(g) MOA with Culpeper County, <https://perma.cc/8YM6-W52L> (establishing a JEM rather than TFM).

National and state-level pressures have played into the dramatic expansion of the status quo over the last 18 months. On February 27, 2025, former Governor Youngkin signed Executive Order 47, which directed the Department of Corrections (VADOC) and the Virginia State Police (VSP) to sign § 287(g) agreements, and committed to put pressure on local sheriffs and regional jails to join the program.

Executive Order 47, *Keeping Virginians Safe From Dangerous Criminal Illegal Immigrants*, 2024 VA EO 47 (February 28, 2025). In the months that followed, 25 local sheriffs, one police department and two regional jails signed 287(g) contracts. Legal Aid Justice Center, *Unmasking ICE*, <https://www.justice4all.org/what-we-do/immigration/icecontracts/>. As of December 29, 2025, at least 223 individual officers had been certified under the 287(g) program in Virginia. *Id.*

Under the Spanberger administration, 287(g) participation at the state level returned to pre-2025 levels. Virginia Executive Directive 1, <https://perma.cc/Y2S9-4GER> (Feb. 4, 2026) (instructing the Department of Corrections, Virginia State Police, and other executive agencies to terminate their 287(g) agreements). This executive order did not mark a return to normalcy for local law enforcement. The Governor does not have the power to make localities terminate or modify a 287(g) agreement. That authority is reserved to the General Assembly, the sole source of authority from which localities derive their independent power. *See* Va. Const. Art. 7, § 4 (“the duties and compensation” of constitutional officers like Virginia Sheriffs

“shall be prescribed by general law or special act.”).⁸

d. 287(g) challenges nationwide

Virginia is not alone in its efforts to retain sovereignty over matters of immigration enforcement. Federal courts presented with issues similar to this case have consistently recognized the states’ right to dictate how and if they choose to assist in ICE’s enforcement efforts. Several states have passed laws comparable to or even more restrictive than Virginia’s, with some outright banning 287(g) agreements. *Deputized for Disaster* at 33. Since the start of 2025, the United States has filed at least nine lawsuits in six states against policies limiting local law enforcement’s cooperation with ICE.⁹ To date, district court opinions in these similar

⁸ This provision covers Sheriffs, while other municipalities in Virginia are covered by “Dillon’s Rule” given the absence of an express grant of home rule in its state constitution, Virginia follows Dillon’s Rule, which limits localities to powers (1) expressly granted by [the General Assembly], (2) necessarily or fairly implied in or incidental to the powers expressly granted, or (3) essential to the declared objects and purposes of the corporation, not simply convenient but indispensable. *Richmond v. Board of Supervisors of Henrico County*, 101 S.E.2d 641, 645 (Va. 1958). “Any fair, reasonable doubt concerning the existence of the power is resolved by the courts against the corporation and the power is denied.” *Id.* The limitation on the acts of constitutional officers in Va. Const. Art. 7, § 4 operates in a similar fashion.

⁹ See *United States v. New Jersey*, 2026 WL 2621025 (D.N.J. Sept. 4, 2026); *United States v. New York*, 2026 WL 2225423 (N.D.N.Y. Aug. 3, 2026); *United States v. Minnesota*, 2026 WL 2085701 (D. Minn. July 20, 2026); *United States v. Illinois*, 796 F. Supp. 3d 494 (N.D. Ill. 2025); *United States v. New York*, 810 F. Supp. 3d 329 (N.D.N.Y. 2025); *United States v. New York*, 814 F. Supp. 3d 266 (N.D.N.Y. 2025); *United States v. New Mexico*, No. 26-cv-1471 (D.N.M. May 8, 2026); *United States v. Connecticut*, No. 3:26-cv-568 (D. Conn. Apr. 13, 2026); *United States v. Connecticut*, No. 3:26-cv-758 (D. Conn. May 15, 2026). The United States recently

cases substantially support Virginia’s position: courts have dismissed five of the United States’ challenges.¹⁰ By contrast, the United States obtained a partial preliminary injunction in a single case, *United States v. New York*, 2026 WL 2225423 (N.D.N.Y. Aug. 3, 2026), but was denied an injunction for the part of its case concerning New York’s ban on localities entering into 287(g) agreements. *Id.*

II. Restricting Virginia’s ability to regulate the contents of local government agreements impermissibly interferes with the Commonwealth’s fundamental sovereignty.

Section 15.2-1726.1 neither controls nor directly regulates any federal agencies or federal agent. Rather, the statute exercises the Virginia General Assembly’s absolute oversight over localities as enshrined in Virginia’s constitution, and through that authority establishes conditions on the ability of Virginia’s political subdivisions and law enforcement agencies to participate in and maintain 287(g) agreements. To participate in a 287(g) agreement under §15.2-1726.1, a locality must include specified terms in its agreement. If those terms are not accepted, the locality may not

filed a similar case in this circuit. *United States v. Maryland*, 1:26-cv-2719 (D. Md. September 9, 2026).

¹⁰ This includes *United States v. New Jersey*, 2026 WL 2621025 (D.N.J. Sept. 4, 2026); *United States v. Minnesota*, 2026 WL 2085701 (D. Minn. July 20, 2026); *United States v. Illinois*, 796 F. Supp. 3d 494 (N.D. Ill. 2025); *United States v. New York*, 810 F. Supp. 3d 329 (N.D.N.Y. 2025); and *United States v. New York*, 814 F. Supp. 3d 266 (N.D.N.Y. 2025). As of this writing, no rulings have been issued in the other three cases filed.

initiate or maintain the agreement. The federal government remains free to accept, reject, or terminate the agreement if those terms are not acceptable. Only if they willingly agree are they subject to any restrictions proposed by Section 15.2-1726.1.

Section 15.2-1726.1 serves multiple legitimate purposes, all to the benefit of the Commonwealth. The court's Contract Clause ruling overlooks the nature of the relationship at issue. Section 15.2-1726.1 does not regulate private contracts between private parties. It establishes the statutory conditions under which Virginia's political subdivisions may participate in a voluntary federal program. The legislation preserves the Commonwealth's right to maintain its own sovereignty, and control its risk of liability.

a. Section 15.2-1726.1 protects Virginia's sovereign interests

State sovereignty is expressly incorporated into the text of § 287(g). Delegated federal immigration authority may be exercised only “... *to the extent consistent with State and local law.*” 8. U.S.C. § 1357(g)(1) (emphasis added). Section 15.2-1726.1 is but one example of Virginia's exercise of that state law authority. The statute does not prohibit the federal government from enforcing federal immigration law. Nor does it require federal officers to obey Virginia law when acting independently of a 287(g) agreement. Rather, it establishes the terms under which Virginia's own officers may voluntarily commit time and resources to a voluntary federal program. Those legislative judgments reflect substantial state interests, including promoting

effective and trustworthy policing, protecting the Commonwealth's economic and fiscal interests, and limiting unnecessary exposure to legal liability.

The injunction below leaves Virginia without meaningful authority to define the state-law conditions governing the exercise of delegated federal immigration authority by Virginia officers. This problem is further complicated by the fact that § 287(g) itself provides few details on the nature of the powers delegated, or other important aspects of the purported delegation, nor has ICE issued regulations on this topic. Instead, most of the duties and powers are solely created within the contracts themselves. Under the district court's interpretation, this system effectively operates a "blank check" to grant local law enforcement powers and state law immunities that step outside the clearly articulated boundaries of Virginia's constitutional framework, with terms that may be modified at will – not by Congress, and not even through rulemaking under the Administrative Procedure Act, but simply through contract.

The substantial amount of money that is – for the moment – available to reimburse 287(g) agreements only further erodes the Commonwealth's sovereign controls over its own constituent subdivisions. First, it masks the resources devoted to an activity that the federal statute says is typically conducted at state expense. ICE itself has declined to disclose the total amount of funding it has disbursed to 287(g) recipients, making it difficult to tell whether the current funding is at all sustainable.

Meg Anderson, ICE is *giving local police big money to help with immigration enforcement*, National Public Radio (May 5, 2026), <https://perma.cc/Z8PF-E3C5>.

Second, it creates reliance on what may be one-time federal appropriations. Third, local sheriffs, who receive base salary reimbursements for themselves and the approved number of deputies from the Commonwealth, have an incentive to prioritize federal immigration work that brings in “extra money” at the expense of local community policing, which earns them no extra reimbursement. These reimbursement incentives further disrupt the status quo and fundamentally alter local law enforcement priorities by creating financial incentives to devote personnel to federal immigration enforcement.

b. Virginia enacted § 15.2-1726.1 to ensure that local participation in 287(g) remains consistent with existing Virginia law

Section 15.2-1726.1 protects a core state interest: ensuring that local law enforcement remains effective and accountable in carrying out the duties the General Assembly has assigned to it. Public safety depends upon victims and witnesses reporting crimes, cooperating with investigations, and seeking protection from law enforcement. When residents fear that contact with local police may expose them or their family members to civil immigration enforcement, they may be less willing to report crimes, cooperate with investigations, or seek police protection.

The restrictions Section 15.2-1726.1 places on 287(g) operations are not abstract— they correspond to existing Virginia legal norms and institutional practices

and serve to increase trust in local law enforcement and protect the victims of crimes. Several provisions of § 15.2-1726.1 illustrate that the statute regulates familiar matters of state and local governance rather than federal immigration policy.

Many of the provisions reflect the standards to which Virginia law enforcement is already held, ensuring that when ICE enlists the assistance of Virginia law enforcement their activities are “consistent with State and local law” as required by 8 U.S.C § 1357(g). Sections (c)(2) and (c)(11) explicitly reference existing Virginia law and only require that ICE remain in compliance. Similarly, section (c)(10)’s judicial warrant requirement protects the sanctity of the home—a core interest recognized by both Virginia law, *see* Va. Code § 19.2-59 and Va. Code § 19.2-81, and the Fourth Amendment.

These provisions strengthen local policing by empowering immigrants to seek aid from local law enforcement and allowing officers to protect their communities. Section (c)(3) asks that federal agents enforcing immigration law are “clearly identified as an agent of U.S. Immigration and Customs Enforcement.” This echoes Va. Code § 19.2-78, which requires that officers making arrests under authority of Virginia law “shall be dressed ... in such uniform as he may customarily wear in the performance of his duties which will clearly show him to casual observation to be an officer.” Section (c)(12) provides that shootings involving ICE agents will be investigated by the VSP.

Similarly, Va. Code § 52-28.2 mandates that all officer-involved shootings in Virginia be recorded by the VSP, and the VSP's General Investigation Section investigates these incidents. General Investigation Section, Virginia State Police (September 30, 2026 1:22 PM) <https://vsp.virginia.gov/bci/general-investigation-section/>. Section (c)(9) reflects Virginia's existing regulation of surveillance technology. See Va. Code § 15.2-1723.2 and Va. Code § 23.1-815.1. The provision thus reflects a state law judgement about the use of technology by governmental actors within Virginia, not a regulation of the substantive scope of federal immigration authority. Virginia has the right to ensure that, if its localities choose to assist in immigration enforcement, they do so in a manner consistent with Virginia law.

Virginia's police powers encompass the right to exercise those powers effectively, and to use those police powers to forward the public safety goals of the Commonwealth. In order to do so, Section 15.2-1726.1 aims to help maintain productive relationships between local law enforcement agencies in Virginia and the communities they police. National studies have shown that unrestricted collaboration with ICE makes minority communities, regardless of immigration status, less likely to support local law enforcement in solving crimes. Nik Theodore, *Insecure Communities: Latino Perceptions of Police Involvement in Immigrant Enforcement*, 5-6, University of Illinois at Chicago (May 2013). This makes local

police work less efficient, draws resources away from the duties ascribed to local law enforcement by the Virginia General Assembly, and negatively impacts valid immigration objectives focused on the removal of violent offenders whose crimes may otherwise go unreported.¹¹ To combat this effect, provisions like section (c)(4)'s limitation on courthouse enforcement protects access to justice, including domestic abuse protective orders, victim participation in criminal proceedings, and other critical legal proceedings.¹² Similar principles underlie section (c)(8)'s limitation on enforcement activities near polling places.

The notion that freewheeling civil immigration enforcement by state and local actors discourages reporting is a long-recognized problem. 45 percent of Latinos, and 67 percent of undocumented Latinos, stated that they are less likely to volunteer information about a crime because they are afraid to be questioned about their immigration status. *Insecure Communities* at 5-6. Current immigration regulations

¹¹ Contrary to the United States's assertions, immigrants do not commit an outsized number of crimes. The crime rate among immigrants is the same, or lower, than that of citizens. See, e.g., *Debunking the Myth of Immigrants and Crime*, American Immigration Council (Oct. 2024).

¹² Additionally, the Southern District of New York recognized that ICE's decision to revoke their guidance limiting courthouse enforcement that "acknowledged a series of '[c]ore [p]rinciple[s]' guiding the policy, including 'ensur[ing] that access to the courthouse – and therefore access to justice ... – is preserved' was arbitrary and capricious. *African Communities Together v. Venturella*, No. 25-CV-6366 (PKC), 2026 WL 2949409, at *14 (S.D.N.Y. Sept. 30, 2026).

explicitly contemplate this fact, and created the U-visa to encourage undocumented immigrants to report crimes and cooperate with police, to “help[] law enforcement agencies to better serve victims of crimes.” *Victims of Criminal Activity: U Nonimmigrant Status*, U.S. Citizenship and Immigration Services, <https://perma.cc/QY8X-YBNP>. Additionally, Virginia law prohibits inquiring into the immigration status of victims of and witnesses to a crime, and their parents or guardians if the victim or witness is a minor – a statutory command that is in direct conflict with the duties and incentives under the 287(g) program. Va. Code § 19.2-11.02. This same knowledge and the desire to encourage community cooperation with policing informs section (c)(6) and (c)(7)’s information sharing guidelines. Virginia’s legislation works alongside federal regulations to further the important goal of keeping victims and Virginia communities safe.

Some of the more active Virginia 287(g) partnerships illustrate the strain 287(g) contracts may place on individuals and communities and support the General Assembly’s interest in passing Section 15.2-1726.1. For example, in late 2025 through early 2026, deputies in Franklin County conducted traffic stops resulting in dozens of civil immigration arrests and detention under its 287(g) contract. App. at 82-130; see also Laurence Hammack, *Franklin County sheriff’s deputies often make immigration arrests for ICE*, Roanoke Times (April 5, 2026), <https://perma.cc/B4XK-WH89>. These arrests accounted for 8% of all arrests in

Franklin County between September 24, 2025 and April 2, 2026. One of these arrestees was Agustin Ramirez Reyna, a man who was pulled over while driving with his family for having an expired registration sticker on his car. *See Ramirez Reyna v. Mullin*, 1:26-cv-01439, ECF No. 6 at 2 (E.D. Va. June 2, 2026). Mr. Ramirez Reyna had begun the process of adjusting status to be able to remain in the United States with his U.S. citizen spouse and had no criminal history. *Id.* at ECF No. 1 at 7. Nevertheless, the encounter led to him being shackled in front of his family and imprisoned under difficult conditions until ordered released through federal habeas proceedings based on a finding that his detention was unlawful. *Id.*

As illustrated by Mr. Ramirez Reyna’s arrest, the strain on resources from a single arrest likely extends beyond those enumerated in a single 287(g) contract. Specifically, when local law enforcement pivot to immigration enforcement, it takes time that they otherwise could have devoted to their statutorily prescribed duties to ensure public safety in their jurisdiction. And if deputized officers are on patrol with colleagues lacking 287(g) certification, those additional officers may be prevented from focusing on their regular duties, too. For example, another individual who was working as a contractor making repairs to a home was arrested the morning of December 27, 2025, after homeowners provided the wrong alarm code that triggered a police response. *United States v. Commonwealth*, No. 3:26-cv-00545, ECF No. 48-1 at 110–112. Instead of a quick open-and-shut “false alarm” case, that ended as soon

as officers obtained the owner's explanation, the incident took over three hours of officer time. And a vehicle stop on October 2, 2025, resulting in multiple immigration arrests had dispatch report entries from eight users and took up more than nine hours of officers' time. *United States v. Commonwealth*, No. 3:26-cv-00545, ECF No. 48-1 at 84–86. It is unclear whether all seven users were deputized, but there is no question that they spent time responding to the vehicle stop at the exclusion of other work.

Greene County, Virginia entered into a 287(g) MOA for TFM enforcement in May 2025. As of November 2025, Greene County had certified five officers to perform civil immigration enforcement. *United States v. Commonwealth*, No. 3:26-cv-00545, ECF No. 48-1 at 43. Under the auspices of their 287(g) contract, the Greene County Sheriff's Office has conducted numerous joint traffic stops that have received significant attention from the media and local residents. The Greene County Sheriff's Office has recently upped its enforcement efforts in several mass traffic stops, including a June 23rd operation detaining 49 individuals in a single day and stoking distrust and fear of the police in Greene County and surrounding communities. Nathan Alderman, *Greene County Sheriff's Office stages mass immigration detention in concert with federal officials*, C-VILLE (July 1, 2026), <https://perma.cc/JN69-ZQJA>.

These concerns illustrate why courts have long recognized that federal actions

that interfere with the workings of state criminal systems create tension, sometimes irreconcilably, with the sovereign interests of states. *See Younger v. Harris*, 401 U.S. 37, 44 (1971) (“the entire country is made up of a Union of separate state governments, and a continuance of the belief that the National Government will fare best if the States and their institutions are left free to perform their separate functions in their separate ways.”) As “nothing in the Constitution mentions, or conceives of, a role for the states in implementing or enforcing federal immigration law,” Virginia is seeking to mitigate this tension by ensuring that Virginia law enforcement does not break Virginia laws when voluntarily assisting the federal government with their duties. SA23. The conditions under Section 15.2-1726.1 serve to balance permissible cooperation with federal immigration enforcement against these core sovereign functions of the Commonwealth.

c. Va. Code § 15.2-1726.1 Protects the Commonwealth, its Agencies, and Local Law Enforcement from Increased Liability Based on 287(g) Contracts and Activity

Immigration enforcement carries significant risk of liability. For example, in 2021, Carlos Rios, a United States citizen detained by ICE for seven days, settled his claims for \$125,000. Matt Adams, *U.S. Government Agrees to \$125,000 Settlement for U.S. Citizen’s 7-Day Detention at the Northwest Detention Center*, Northwest Immigrant Rights Project, (September 21, 2021) <https://perma.cc/B2N6-MAN3>. In a class action alleging Fourth Amendment violations in California, ICE

agreed to pay \$675,000 in attorney fees. *Gonzalez et al. v. Immigration and Customs Enforcement et al.*, Class Action Settlement Agreement and Release, No. CV 13-04416, ECF No. 195-2 at 26 (C.D. Cal. Nov. 25, 2024). A Texas plaintiff recently survived ICE’s motion to dismiss her lawsuit seeking \$2 million in damages for false imprisonment and negligence. *Moreno v. United States*, 826 F. Supp.3d 835 (W.D. Texas, March 25, 2026). Similar suits continue to be brought around the country.

These cases were brought against ICE, but by stepping into ICE’s shoes, 287(g) contractors assume the same liability. For example, § 287 purports to convey federal immunity to 287(g) contractors, but at the same time subjects them to federal liability under the Federal Tort Claims Act (FTCA), under which many lawsuits against ICE are also brought. See 8 U.S.C. § 1357(g)(7) & (g)(8); *see, e.g., Moreno*, 826 F.Supp.3d 835 (brought under the FTCA).

Even if the contractual grant of immunity was effective, it would not clearly shield 287(g) contractors from other claims. For example, unlike ICE, local law enforcement is also subject to suit under laws such as 42 U.S.C. § 1983. See Gigi Liman, *The Return of 287(g): How Trump’s Immigration Plan May Leave Sheriffs Liable*, Lawfare (Sept. 11, 2025) (“While the reinstatement and expansion of the program, with its history of abuse and minimal oversight, raises the danger of widespread rights violations, it also provides a novel avenue for accountability.”)

When it comes to defending these suits and paying judgments, the agreements

leave state and local taxpayers entirely on the hook. In § XIV of the MOA, “Liability and Responsibility[,]” the MOA states “the [Local Agency] will be responsible and bear the costs of participating... personnel regarding their property or personal expenses incurred by reason of death, injury, or incidents giving rise to liability.” SA425-SA426. This opens up individual officers up to significant harm, such as medical debt and lawsuits, and subjects municipalities and the Commonwealth to potentially disastrous financial consequences in the form of worker’s compensation claims, civil rights suits, and, in the worst possible case, wrongful death lawsuits. Nor does temporary funding of 287(g) under OBBBA cover legal fees and judgments when 287(g) contractors are sued. *See* OBBBA, Pub. L. No. 119-21, at § 100055 (not including legal defense costs and judgments as part of the list of items eligible for grant funding).

Irrespective of whether federal or state immunity rules apply, or any reimbursements under the service agreements, any judgments arising out of 287(g) fall on Virginia and its law enforcement agencies and, by extension, the taxpayers they serve. Ultimately, the consequences of these judgments would adhere to the State itself, whether through compensating for local budget shortfalls or other increased demand to fund depleted local law enforcement budgets. This means, for example, that a taxpayer in Richmond, which is not likely to enter a 287(g) contract in the immediate future, may still have their state tax dollars redirected to

compensate for the financial vacuum created when inexperienced local law enforcement acting in a complicated area of law is sued and subjected to costly judgments and legal fees.

Virginia's interest in establishing conditions for local participation is particularly apparent where the Commonwealth cannot independently evaluate the training its officers receive before exercising delegated federal authority. Training determines whether officers can safely and lawfully perform the duties that are assigned to them. Current TFM certification consists of approximately forty hours of webinar instruction (cut down from four weeks), followed by an examination requiring only a passing score of seventy percent. *United States v. Commonwealth*, No. 3:26-cv-00545, ECF No. 48-1 at 19; Liman, *The Return of 287(g)* (explaining how TFM training has been cut from four weeks to only one).

The protections offered by Section 15.2-1726.1 ensure that local law enforcement who do enter into 287(g) contracts do so in a manner that comports with local and Constitutional law, limiting the State's risk of liability. For example, section (c)(2) requires that, if a locality enters into a 287(g) agreement, the contract must ensure that agents operating pursuant to the agreement do so in accordance with the laws of the Commonwealth.¹³ Section (c)(10) prevents potential Fourth

¹³ The United States took the position at the first hearing that would include Virginia officers as "federal agents" for the purposes of Va. Code § 15.2-1726.1.

Amendment and tort violations committed through warrantless home invasion, and section (c)(11) requires that 287(g) agreements comply with Va. Code § 19.2-83.3 *et seq.* Through Section 15.2-1726.1, Virginia seeks to prevent state and local taxpayer funds from being unnecessarily siphoned from their intended, public purpose to compensate for judgments that, under the United States’ interpretation of law, the Commonwealth would have limited to no ability to prevent or mitigate.

Setting aside the many other ways in which 287(g) encroaches on powers and interests central to the Commonwealth’s sovereignty, the United States demands that Virginia expose itself to judgments and legal defense costs – and get nothing in return. This stretches the characterization of § 287(g)(9) that these agreements are “voluntary” beyond all credulity, and creates irreconcilable tension with Virginia’s basic sovereign powers.

CONCLUSION

The federal government may enforce federal immigration law. It may choose whom to deputize. And it may choose whether to accept the conditions Virginia places on the use of Virginia officers and resources. However, the federal government may *not* turn its authority over federal immigration enforcement into involuntary authority over Virginia’s own government.

Section 15.2-1726.1 governs Virginia’s side of the relationship. It defines the

conditions under which Virginia’s political subdivisions may participate in 287(g), using powers, personnel, and resources conferred by Virginia law. Congress itself contemplated that state and local law would define the limits of delegated authority, providing that § 287(g) authority may be exercised only “to the extent consistent with State and local law.” 8 U.S.C. § 1357(g)(1). That is the sovereignty at stake here – Virginia is not telling ICE how to enforce federal law, Virginia is telling its own officers and political subdivisions what they may and may not agree to do in Virginia’s name. The United States may decline those conditions, but it cannot require Virginia to surrender its authority over its own officers and governmental institutions.

As such, the preliminary injunction in this case should be reversed.

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Respectfully Submitted,¹⁴

/S/ Alex Kornya
Alex Kornya, VSB#100878
Angela Ciolfi, VSB#65337
THE LEGAL AID JUSTICE CENTER
1000 Preston Ave. Ste. A
Charlottesville, VA 22903
alexkornya@justice4all.org
aciolfi@justice4all.org
(434) 367-6068
Counsel for Amicus

THE LEGAL AID JUSTICE
CENTER, Amicus

/S/ Caroline McCance
Caroline McCance, DCB#90016038
Emily Lopynski, VSB#95874
Rohmah Javed, VSB#101898
Abigail Marshak, VSB#102236
The LEGAL AID JUSTICE CENTER
6402 Arlington Blvd, Ste. 1130
Falls Church, VA 22042
caroline@justice4all.org
emilylopynski@justice4all.org
rohmah@justice4all.org
abigailmarshak@justice4all.org
(703) 778-3450
Counsel for Amicus

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CERTIFICATE OF COMPLIANCE

This brief complies with the type-volume limitation of Fed. R. App. P. 32(a)(7)(B) because this brief contains [?] words, excluding the parts of the brief exempted by Fed. R. App. P. 32(f).

Pursuant to Fed. R. App. P. 29(a)(4) (E), the undersigned certifies that no party's counsel authored the brief in whole or in part; no party or a party's counsel contributed money that was intended to fund preparing or submitting the brief; and no person, other than the amicus curiae, its members, or its counsel, contributed money that was intended to fund preparing or submitting the brief.

This brief complies with the typeface and type style requirements of Fed. R. App. P. 32(a)(5) because this brief has been prepared in a proportionally spaced 14-point Times New Roman font using Microsoft Word.

Dated: October 2, 2026

/s/ Alex Kornya
Alex Kornya, *counsel for amicus*

CERTIFICATE OF SERVICE

I hereby certify that on October 2, 2026, I electronically filed the foregoing Amicus Brief with the Clerk of this Court using the CM/ECF System, which will send a notification of electronic filing to all counsel of record who are registered CM/ECF users, including counsel for all parties.

Dated: October 2, 2026

/s/ Alex Kornya
Alex Kornya, *counsel for amicus*