UPDATE:

Virgina's law limiting ICE collaboration effective immediately, preliminary injunction vacated

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The Law:

After much advocacy from immigrant's rights leaders, the Virginia legislature passed Virginia Code § 15.2-1726.1, which Governor Spanberger signed into law in April 2026. That law required Virginia state and local law enforcement to meet certain conditions before collaborating with ICE. Failure to meet those conditions would result in termination of agreements to collaborate with federal immigration enforcement. Soon after the law was enacted, the federal government sued Virginia to prevent the law from going into effect. In August, a lower court agreed with the federal government and entered a preliminary injunction in *United States v. Commonwealth of Virginia*, preventing the law from taking effect.

The Fourth Circuit's decision:

On November 23, 2026, the U.S. Court of Appeals for the Fourth Circuit ruled[1] that Virginia Code § 15.2-1726.1 is likely to be constitutional. The court therefore lifted the lower court's injunction, and the law is now in effect throughout the rest of the litigation.

What does this mean?

- Virginia Code § 15.2-1726.1 is effective immediately.
- Existing agreements between local law enforcement and ICE used to facilitate immigration enforcement must be modified to meet Virginia's requirements, or they are void and unenforceable.
- Except in very specific situations already required by VA law, state and local officers may not assist in the enforcement of federal immigration law without a judicial warrant.

What happens now:

The Fourth Circuit's decision removes the lower court's preliminary injunction that had blocked part of this from going into full effect. The lawsuit will continue, but this decision means it will be very hard for the federal government to invalidate this law.

Conclusion:

The Fourth Circuit's decision reinforces Virginia's authority to decide whether and under what conditions its state and local law enforcement agencies participate in federal immigration enforcement. This decision is an important victory for Virginia immigrant communities and the community-driven advocacy that helped make this law possible.

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[1] Access the decision and more resources here: Court lifts block on Virginia law limiting local police cooperation with ICE, Legal Aid Justice Center, https://www.justice4all.org/news/court-lifts-block-on-virginia-law-limiting-local-police-cooperation-with-ice/.

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Staff responsible for this material: John Cano - johncano@justice4all.org