

Feb. 25, 2019

The Hon. Ralph Northam
Governor of Virginia
Office of the Governor
Patrick Henry Building, Third Floor
1111 E. Broad Street
Richmond, Va. 23219

Dear Gov. Northam:

I write to you today on behalf of the ACLU of Virginia and its more than 24,000 members from across the Commonwealth to urge you to veto Senate Bill 1156, which prohibits “sanctuary” localities, and House Bill 2270, which requires sheriffs to report information regarding incarcerated and undocumented immigrants to U.S. Immigration and Customs Enforcement (ICE). These unnecessary bills will do nothing to solve our national immigration crisis, but they will send a chilling message to people who are immigrants and make our Commonwealth less safe.



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The language of SB 1156 is overbroad and vague. The bill’s title, “§ 15.2-1409.1. Establishment of sanctuary policies prohibited,” references “sanctuary” policies but fails to define or describe what a sanctuary policy is. The term “sanctuary” is a political term used by different advocates differently, and there is no accepted legal definition to guide policymakers. If a locality adopts a resolution welcoming immigrants, has that locality now violated state law? If local police have a policy not to ask the status of witnesses and victims of a crime, have they established a “sanctuary” policy?

In addition to making compliance difficult, the fact that SB 1165 is simply a message bill is underscored by the complete lack of any enforcement mechanism for violations by a locality of the prohibition set out in the legislation.

Further, there are and can be no sanctuary cities in Virginia. A combination of the Dillon Rule and existing state mandates make the existence of a sanctuary locality a legal impossibility in the Commonwealth.

HB 2270, the “ICE notification bill,” similarly is unnecessary. Virginia law already requires notice to ICE when a person is arrested and taken into custody, when a person is convicted, and when a person is released on probation or parole. Additionally, this bill would apply to any noncitizen, including people who are in the country legally such as permanent residents, people on temporary protected status, people who are seeking or have received asylum, and people with work permits. Virginia should be moving away from volunteering local resources to the

federal government for immigration enforcement, not further enhancing the burdens on local and state agencies. Most importantly, it should not be inviting further intrusion by the federal government into Virginia's immigrant communities, regardless of immigration status.

Active cooperation with federal immigration officers by local law enforcement creates mistrust in the community. A recent study of Frederick County, Maryland showed that reported crimes such as domestic assault dropped significantly after their 287(g) cooperation program with ICE was implemented. Cooperation with ICE causes people to recoil from cooperating with police either as victims or witnesses. When people fear reporting crimes or cooperating with law enforcement as witnesses because of potential collateral consequences, we are all less safe.

The bottom line is that both of these bills ultimately make Virginians and Virginia communities less safe. They create unnecessary reporting requirements and break any existing trust between immigrants and local police. The ACLU of Virginia believes we should work to create communities that are inclusive of all people, including immigrants. Any legislation that sparks fear of law enforcement in Virginia's immigrants is harmful to us all. In addition, these kinds of anti-immigrant message bills encourage hostility to the more than 11 percent of Virginians who are foreign born and create an atmosphere conducive to ethnically and racially motivated violence. For these reasons, we ask that you veto Senate Bill 1156 and House Bill 2270.

Very truly yours,



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