

RESOLUTION

Offered by Supervisor John T. Stirrup
June 26, 2007

WHEREAS, the Virginia State Code, Section 15-2-1700, states that any locality may provide for the protection of its inhabitants and property and for the preservation of peace and good order therein;

WHEREAS, the Prince William County Board of Supervisors has determined that illegal immigration is causing economic hardship and lawlessness in this County and that illegal immigration may be encouraged by public agencies within the county by failing to verify immigration status as a condition of providing public services.

NOW, THEREFORE, BE IT RESOLVED that the Prince William County Board of County Supervisors does hereby amend the Prince William County Code as follows:

- A. All officials, agencies, and personnel of the County shall fully comply with and, to the full extent permitted by law, support the enforcement of federal law prohibiting the entry into, presence or residence in the United States of aliens in violation of federal immigration law.
- B. County Police Officers shall inquire into the citizenship or immigration status of any person detained for a violation of a state law or municipal ordinance, regardless of the person's national origin, ethnicity, or race where such inquiry does not expand the duration of the detention. In all such cases where a person indicates that he or she is not a citizen or national of the United States, the Police Department shall verify whether or not the person is lawfully present in the United States, pursuant to United States Code Title 8, subsection 1373(c). If the person is verified to be unlawfully present in the United States, the Police Department shall cooperate with any request by federal immigration authorities to detain the alien or transfer the alien to the custody of the federal government.
- C. Pursuant to United States Code Title 8, sections 1373 and 1644, no official, personnel or agent of the County, including officers and personnel of the Police Department, may be prohibited or in any way restricted from sending, receiving, or maintaining, information regarding the immigration status, lawful or unlawful, of any individual, or exchanging such information with any other federal, state or local government entity for the following official purposes:

1. Determination of eligibility for any federal, state or local public benefit, service or license which is restricted, in whole or in part, to persons who are not United States Citizens or non-qualified aliens, pursuant to Virginia Code Ann. 32.1-325.03; Virginia Code Ann. 63.2 – 503.1; and United States Code Title 8, Section 1621;
 2. Verification of any claim of legal domicile within the County by a person who asserts that he or she is not a citizen, national or legal resident alien of the United States; where legal domicile is required by law or contract;
- D. The Police Department of the County shall as quickly as practicable enter into a cooperative agreement with the United States Department of Homeland Security, pursuant to United States Code Title 8, subsection 1357 (g), to designate specific County law enforcement officers qualified to exercise the enforcement powers of federal immigration officers in the United States; and to establish a protocol for the expedited transfer of verified illegal aliens into federal custody. The Police Department may negotiate the cooperative agreement or participate in its implementation in partnership with other state or local law enforcement agencies.
- E. The provisions of this section shall allow for a private right of action by any natural or legal person lawfully domiciled in this County to file for a writ of mandamus to compel any non-cooperating agency to comply with such reporting laws.