



Commonwealth of Virginia
Office of the Governor

Executive Order

NUMBER FORTY-SEVEN (2025)

KEEPING VIRGINIANS SAFE FROM DANGEROUS CRIMINAL ILLEGAL IMMIGRANTS

By virtue of the authority vested in me as Governor of the Commonwealth, I hereby issue this Executive Order to improve the safety of all Virginians by maximizing our collaboration with the federal government to enforce immigration law in the Commonwealth of Virginia and using all available methods to facilitate the arrest and deportation of inadmissible and removable criminal illegal immigrants.

Importance of Initiative

In February 2024, an Old Dominion University student was killed in a car crash by an illegal immigrant who previously had multiple run-ins with the law, having previously been ordered deported six years earlier. That same month, an illegal immigrant sexually assaulted a 14-year-old girl in Campbell County. In November 2024, a woman was attacked and raped by an illegal immigrant from Honduras while hiking along a trail in Herndon. Reports indicate that the man had 29 encounters with police dating back to 2017, ranging from drug possession to indecent exposure and public nudity. These stories echo others from across the country where illegal immigrants have committed additional heinous crimes: Laken Riley, murdered in Georgia; Rachel Morin, a mom of five from Maryland brutally murdered; and Jocelyn Nungaray, a 12-year-old assaulted and murdered in Texas. In all cases, the tragedy is compounded by the fact that the perpetrator of the crime should not be in the country at all.

Virginia is not a sanctuary state. A commitment to public safety demands that the Commonwealth recognize that the nexus between illegal immigration and dangerous criminal activity is real, particularly in an era marked by rising transnational criminal organizations, criminal street gangs, human trafficking, the distribution of illegal narcotics including fentanyl, and crimes of violence linked to these clear and emerging threats.

As of February 27, 2025, 946 inmates in the Virginia Department of Corrections (VADOC) system had an open immigration detainer. These detainees are not issued lightly; they indicate that federal immigration authorities have flagged these individuals due to their involvement in serious criminal activities. Notably, nine out of every ten of these detainees are for violent criminals. Among them, four out of ten have been identified as rapists and sexual assailants, and two out of ten are classified as murderers. Such figures provide a sobering reminder of the potential dangers associated with allowing individuals who commit egregious crimes to be in our country illegally.

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 added Section 287(g) to the Immigration and Nationality Act (INA). Section 287(g) authorizes U.S. Immigration and Customs Enforcement (ICE) to enter into agreements with state and local law enforcement agencies to advance enforcement of federal immigration laws. Further, Section 287(g) agreements delegate to federally trained and certified state and local law enforcement officers the authority to perform specified immigration officer functions under ICE's direction and oversight.

Delegation of authority under Section 287(g) agreements promotes the identification, arrest, and removal of criminal illegal immigrants who are subject to removal from the United States, thereby protecting the homeland from individuals who undermine the safety of our nation's communities and the integrity of U.S. immigration laws.

Various forms of Section 287(g) agreements exist. They include:

- The Jail Enforcement Model, which is designed to identify and process removable immigrants who are incarcerated in state or local correctional facilities; and
- The Task Force Model, which serves as a force multiplier for law enforcement agencies to enforce limited immigration authority with ICE oversight during their routine police duties.

On January 20, 2025, President Donald J. Trump issued Executive Order (EO) 14159, *Protecting the American People Against Invasion*. This EO requires ICE, through Section 287(g) agreements or otherwise and to the maximum extent permitted by law, to authorize state and local law enforcement officials, as the Secretary of Homeland Security determines are qualified and appropriate, under Section 287(g) of the Immigration and Nationality Act.

The nexus between illegal immigration and dangerous criminal activity is real. Establishing Section 287(g) agreements with the Virginia State Police (VSP) and VADOC will bridge the gap between state and local policing and federal immigration policies—a role that has become ever more critical given rising concerns over criminal activity linked to transnational criminal organizations and gangs.

Formal Section 287(g) partnerships between VSP and VADOC will not only reinforce Virginia's commitment to justice and the rule of law but also enhance our ability to preempt the reentry of dangerous offenders into our communities and facilitate their removal from the Commonwealth of Virginia and the United States of America. Although VADOC already cooperates with ICE, this informal cooperation, while commendable, remains reactive in nature. Section 287(g) agreements enable our state and local law enforcement agencies to take more proactive measures in protecting Virginians and to address criminal immigration matters at the source.

Directive

Accordingly, pursuant to the authority vested in me in Article V of the Constitution of Virginia and as the Chief Executive Officer of the Commonwealth, and pursuant to § 2.2-103 of the Code of Virginia, I hereby,

1. Direct the Virginia State Police (VSP) to enter into a 287(g) Task Force Model Memorandum of Understanding with U.S. Immigration and Customs Enforcement (ICE). This agreement will provide for a Section 287(g) VSP Task Force of federally deputized officers to assist in the identification and apprehension of criminal illegal immigrants who pose a risk to public safety throughout the Commonwealth of Virginia.
2. Direct the Virginia Department of Corrections (VADOC) to enter into a Section 287(g) Jail Enforcement Model Memorandum of Understanding with ICE. This agreement will provide for a Section 287(g) VADOC Jail Enforcement Model Program to leverage multiple detention and processing facilities throughout the Commonwealth of Virginia and train corrections officers to be assigned as Designated Immigration Officers (DIOs).
3. Instruct the Secretary of Public Safety & Homeland Security to contact every Director, Sheriff, or other official in charge of a local or regional jail in the Commonwealth of Virginia and request a certification confirming their full cooperation with ICE in all Enforcement and Removal Operations and stating that they will cooperate with the Section 287(g) VSP Task Force.

Effective Date

This Executive Order shall be effective upon its signing and shall remain in force and effect unless amended or rescinded by further executive order or directive. Given under my hand and under the Seal of the Commonwealth of Virginia, this 27th day of February 2025.



A handwritten signature in black ink, appearing to read "Glenn Youngkin".

Glenn Youngkin, Governor

Attest:

A handwritten signature in black ink, appearing to read "Kelly Gee".

Kelly Gee, Secretary of the Commonwealth