

2008 SESSION

LEGISLATION NOT PREPARED BY DLS
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HOUSE JOINT RESOLUTION NO. 183

Offered January 9, 2008

Prefiled January 9, 2008

Requesting the Governor of the Commonwealth of Virginia to enter into Immigration and Customs Enforcement Memoranda of Agreement.

Patrons—Frederick; Senator: Smith

Referred to Committee on Rules

WHEREAS, the Illegal Immigration Reform and Immigrant Responsibility Act, effective September 30, 1996, added Section 287 (g) to the Immigration and Nationality Act ; and

WHEREAS, Section 287 (g) allows the performance of immigration functions by certain state and local law-enforcement officers upon the entering into a Memorandum of Agreement with The United States Department of Homeland Security, Immigration and Customs Enforcement Division; and

WHEREAS, for state law-enforcement officers to participate in the Section 287 (g) program, the Governor, as the chief law-enforcement officer of the Commonwealth, must be the signatory for the Commonwealth in such an agreement; and

WHEREAS, participation in the Section 287 (g) program will allow the Commonwealth to assist in addressing some of the problems presented by the growing number of illegal aliens present in Virginia, and will assist in identifying foreign-born criminals and immigration violators; and

WHEREAS, the Virginia Department of State Police and law-enforcement officers of the Virginia Department of Corrections are in a key position to identify and detain immigration violators, and law-enforcement officers with the Department of Motor Vehicles are uniquely situated to perform immigration-related functions as they relate to investigations of crimes involving document fraud; and

WHEREAS, entering into such Memoranda of Agreement will assist the Commonwealth in maintaining a safe and secure environment for its citizens; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Governor of the Commonwealth of Virginia be requested to enter into Immigration and Customs Enforcement Memoranda of Agreement. The requested agreements should allow (i) designated members of the Department of State Police to perform federal immigration law functions as they relate to investigations involving serious or violent offenses of Virginia law; (ii) designated law-enforcement officers of the Virginia Department of Corrections to assist state and local police in efforts to detain and deport criminal illegal aliens in the community, as well as those illegal aliens already in the custody of the Department of Corrections; and (iii) designated law-enforcement officers of the Virginia Department of Motor Vehicles to perform federal immigration law functions as they relate to crimes involving document fraud.

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