




ARLINGTON COUNTY POLICE DEPARTMENT DIRECTIVE MANUAL

Chapter: 5 <i>Procedures</i>	Revision Date: <i>July 22, 2025</i>	Initiation Date: <i>January 1, 2008</i>	By Authority of the Chief of Police  Chief Charles A. Penn
Accreditation Standard(s): None			

523.04 Immigration Status and Access to Police Services

I. Overview

This policy, in conjunction with the Arlington's Commitment to Strengthening Trust with Our Immigrant Communities (Trust Policy), adopted by the County Board on July 19, 2022, and as updated on May 13, 2025, governs the permitted and prohibited actions of Arlington County Police Department (the Department) employees related to investigations related to immigration and citizenship status.

II. Policy

The Department is committed to protecting the rights of all residents and visitors, regardless of their immigration or citizenship status. A person's right to file a police report, participate in police-community activities, or otherwise benefit from police services is not contingent upon citizenship or immigration status. The enforcement of the nation's immigration laws is the sole responsibility of the federal government. Therefore, the Department does not conduct immigration enforcement investigations.

III. Definitions

- A. T Visa – A visa that protects victims of human trafficking and allows victims to remain in the United States to assist in an investigation or prosecution of human trafficking.
- B. U Visa - A visa that is set aside for victims of certain crimes who have suffered mental or physical abuse and are helpful to law enforcement or government officials in the investigation or prosecution of criminal activity.

IV. Procedure

- A. Immigration Status and Police Interactions
 - 1. Employees will comply with all applicable federal or state regulations mandating cooperation with Immigration and Customs Enforcement (ICE) and other federal immigration officials, as well as judicial warrants and subpoenas mandating Arlington County's cooperation or action but will otherwise restrict sharing of personally identifiable information that could be used to further immigration enforcement efforts.
 - 2. Employees shall not request or disclose to any person or entity the citizenship or immigration status of an individual, unless the action is:
 - a. Required by applicable state or federal law or regulation, judicial warrant, court order or subpoena or complies with 8 U.S.C. § 1373(a), which states that "[n]otwithstanding any other provision of Federal, State, or local law, a Federal, State, or local government entity or official may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from the Department of Homeland Security information regarding the citizenship or immigration status, lawful or unlawful, of any individual"; or
 - b. Authorized by the individual or a legal guardian of the individual.

3. Employees shall not utilize County resources (including, but not limited to facilities, equipment, cell phones, office supplies, radios, emails, databases and employee time while on-duty) to provide access to any personal identifiable information to immigration enforcement officials, unless the employee's action is expressly authorized by this policy.
4. Employees shall neither participate in, nor facilitate, civil immigration enforcement operations, unless otherwise required by an applicable state or federal law, criminal judicial warrant, court order or subpoena deemed applicable by the County Attorney.
5. Employees shall not threaten, coerce, or intimidate anyone based on their citizenship or immigration status, actual or perceived, or the actual or perceived citizenship or immigration status of a member of the person's household. Employees shall not condition the provision of County benefits, opportunities or services on actual or perceived citizenship or immigration status unless required by state or federal law or regulation or court order.
6. No County resources shall be used to assist in the investigation or enforcement of any federal program requiring registration of individuals based on citizenship, immigration status, race, national or ethnic origin, language proficiency, gender, gender identity, sexual orientation, religion, disability, or age.
7. As required by the Code of Virginia §19.2-11.02, officers shall not, in connection with the report, investigation, or prosecution of a criminal violation of state or local law, inquire into the immigration status of any person who is a victim of a crime, the parent or guardian of a minor victim of a crime, a witness in the investigation of a crime, or the parent or guardian of a minor witness to a crime.
 - a. Code of Virginia §19.2-11.02 does not prohibit an inquiry into the immigration status of a parent or guardian of a minor victim when that parent or guardian has been arrested for, charged with, or is being investigated for a crime against the minor victim.
8. A person's right to file a police report, participate in police-community activities, or otherwise benefit from police services is not contingent upon their immigration status. Consequently, officers shall not question any person about their immigration status.
9. Officers shall request identification documents only for the purpose of establishing a person's identity. Officers may rely on government issued identification and other forms of reasonably acceptable identifications (e.g. School IDs, foreign government IDs). Officers shall not request identification documents for the purpose of establishing a person's immigration status or for immigration enforcement purposes. Failure to provide identification shall not constitute a criminal offense.
10. Officers shall not monitor, contact, detain, interview, investigate, or arrest a person solely for the purpose of determining immigration status.
11. Officers may not detain or arrest a person based solely on federal administrative or civil immigration warrants or detainers. Any enforcement of such warrants or detainers is prohibited. Officers must carefully evaluate NCIC entries to ensure their actions are in compliance with this subsection.
12. Officers shall not enforce Federal Immigration Law.

B. T and U Visas

1. The forms, qualifications, and special instructions for both a T Visa (Form I-914, Supplement B, Declaration of Law Enforcement Officer for Victim of Trafficking in Persons) and a U Visa (Form I-918, Supplement B, U Nonimmigrant Status Certification) are available online at the United States Citizenship and Immigration Services website.

2. All requests for law enforcement certification of a T or U Visa will be forwarded to the Criminal Investigation Section (CIS) Commander, who is the designated certifying official, for review and assignment.
3. These forms shall be completed by the CIS Commander. Under Code of Virginia §9.1-1501 Certifications for victims of qualifying criminal activity, the CIS Commander shall respond to a T or U Visa request within 120 days, unless the requestor agrees to an extension in writing.
4. Requests for expedited review of a T or U Visa request must be made in writing. These requests must establish eligibility for expedited review under one of the following circumstances:
 - a. The requestor is seeking certification. In this circumstance, the CIS Commander shall complete the response no later than 90 business days after the request is received.
 - b. The requestor seeking recertification has a deadline to respond to a request for evidence from federal immigration authorities. In this circumstance, the CIS Commander shall complete the response no later than 21 business days after the request is received.
 - c. The requestor is in federal immigration removal proceedings or detained. In this circumstance, the CIS Commander shall complete the response no later than 21 business days after the request is received.
 - d. The twenty-first birthdate of the requestor's children or the eighteenth birthdate of the requestor's sibling is within 120 days of the date of the request. In this circumstance, the CIS Commander shall complete the response no later than 30 days after the request is received.
 - e. The requestor's children, parents, or siblings under section b would become ineligible for benefits under 8 U.S.C. § 1184(p) and 1184(o) in less than 21 business days of receipt of the certification request. In this circumstance, the CIS Commander shall complete the response no later than seven business days after the request is received.
5. If an applicant does not meet the criteria set forth in either form, or it cannot be determined whether the applicant meets the criteria, the CIS Commander can refuse to endorse the certification with a memo outlining the reason(s) for their actions. The CIS Commander shall then provide a written explanation to the person or the person's representative.
6. If, after completion of a certification form, the CIS Commander later determines that the requestor was not the victim of qualifying criminal activity or the victim unreasonably refused to assist in the investigation or prosecution of the qualifying criminal activity of which they are the victim, the CIS Commander may notify federal immigration authorities in writing.
7. Completion of a certification form by a certifying official merely verifies factual information relevant to the federal immigration benefit sought, including information relevant for federal immigration officials to determine eligibility for a T or U Visa. Completion of a certification form shall not be considered sufficient evidence that an applicant for a T or U Visa has met all eligibility requirements for that Visa. Completion of a certification form shall not be construed to guarantee that the requestor will receive federal immigration relief. It is the exclusive responsibility of federal immigration officials to determine whether a person is eligible for a T or U Visa.
8. The immigration status of a victim or person requesting a certification form shall not be disclosed, except to comply with federal or state law or a legal process or if authorized by the victim or person requesting a certification form.