



TO: Arlington County Board, Arlington County Manager
FROM: La ColectiVA, National Immigration Project of the National Lawyers Guild, and Legal Aid Justice Center
DATE: October 28, 2021
RE: Comunidades de Arlington Protegidas del Abuso de ICE | Communities of Arlington Protected from Abuse by ICE (CAPA) Policy

POLICY MEMO

COMMUNITIES OF ARLINGTON PROTECTED FROM ABUSE BY ICE (CAPA)

On September 21, 2021, the Arlington County Board released a draft framework entitled [“Arlington’s Commitment to Strengthening Trust with Our Immigrant Community.”](#) The draft framework sets forth several elements, including access to public services; law enforcement; access to information, privacy and confidentiality; requesting, accessing or disclosing information; access to public facilities, services and resources; use of county funds for civil immigration enforcement; supporting residents regardless of citizenship or immigration status; facilitation of civil immigration enforcement; participation in federal registries; public engagement and communication.

The framework additionally states that Arlington County does not intend to use its “resources to facilitate enforcement of federal immigration law, which is the sole responsibility of the Federal government.” We welcome Arlington County’s commitment to keeping Arlington County’s migrant communities safe, ensuring that all individuals are treated equally regardless of immigration status, and devoting local resources away from harmful federal agencies including U.S. Immigration and Customs Enforcement (“ICE”).

To aid Arlington County’s efforts, we have drafted a robust proposed policy, called the [Communities of Arlington Protected from Abuse by ICE | Comunidades de Arlington Protegidas del Abuso de ICE \(“CAPA”\) Policy](#) which builds on Arlington County’s draft framework and offers a model for Arlington County to adopt. CAPA will ensure that Arlington County ceases any voluntary cooperation with federal immigration enforcement officials and that Arlington County does not serve as a pipeline to deportation of community members.

This memo explains the reasoning behind the substantive provisions in CAPA, highlights how the policy would protect Arlington’s diverse community, and provides examples of community members it would impact.

SECTION III. REQUESTING, ACCESSING OR DISCLOSING INFORMATION PROHIBITED

This section aims to provide protection of records or information collected by the local government involving any personal or sensitive information, including information related to immigration status. Broad confidentiality policies can protect immigration information from being shared with ICE and used to find and deport residents. Protecting local information also enables migrants to feel safer sharing their information with local government.

STORIES FROM OUR COMMUNITY*

Marcela, resident of Arlington for over 22 years:

“I didn’t go for it [request food/rental assistance from the County]. I did not know how much they were going to use my information. There is fear, we do not know if this could be a [public charge](#). They asked for my address – we do not know what information can be shared [with federal immigration authorities]. I am afraid, but we do need the support. Right now, I’m even working less, only 4 days which is a huge difference. I have felt the impact a lot.”

SECTION IV. ACCESS TO PUBLIC FACILITIES AND RESOURCES PROHIBITED

This section ensures that Arlington County does not provide federal immigration authorities access to the County’s facilities, equipment, records or databases or funds unless required by law. Preventing federal immigration enforcement officials from accessing Arlington County’s facilities, equipment, and resources directs the County’s efforts to local priorities and ensures that the County is not facilitating or assisting federal immigration authorities in conducting warrantless arrests of community members.

SECTION V. FACILITATION OF CIVIL IMMIGRATION ENFORCEMENT PROHIBITED

This section provides clear directives to Arlington County departments and employees, including law enforcement, to refrain from voluntarily assisting, facilitating, or participating in the enforcement of federal immigration laws, including arrests, raids, detention, and deportation of community members. Arlington County Police Department has no authority to stop or arrest individuals based on immigration status or suspected civil immigration violations, and no federal or state law obligation to help with immigration enforcement. However, Arlington County Police Department is permitted to voluntarily aid immigration

enforcement at their own expense. By ceasing this voluntary cooperation, Arlington County can ensure that they do not serve as a pipeline to deportation.

STORIES FROM OUR COMMUNITY*

Dimas, resident of Arlington for 11 years:

“Recently a friend of mine, they [ICE] took him from court. He had been deported before, he came back, and he had already been back here for about 8 or 10 years. He was stopped by police while driving, and they took him to jail. From there, ICE took him and about a month later they deported him.

Something similar happened to my brother. He had personal problems with his wife, and she called the police. It was just that – he had no previous interactions with police. They put him in jail at the courthouse. He is supposedly going to be out in three days. We paid for a lawyer. He was given a bail of \$5000, they charged us the \$500 at about two in the afternoon. They told us that at 5 o’clock he was going to leave, and he did come out, but immediately ICE took him. They told us ‘he’s going to come out of this door’ and there, they took him.”

Angelina, resident of Arlington for 6 years:

“People are afraid. It affects [us] emotionally because we know there is risk. Officers can do things at their own discretion. If they arrest me for any reason, they process me for not having papers. In my experience, I was pulled over one night because my car lights were off. The officer was racist and classist and treated me that way. Although I was collaborating, the officer was aggressive. They took me to the jail in Arlington and there I experienced and saw the mistreatment of undocumented people.

They took me to the Arlington jail, I was there and they let me out because I had a temporary permit. The officer told me though, “I don’t know if they [ICE] are going to come to look for you” which causes fear because police searched for me in the system. Officers have discretion. On another occasion my husband, who didn’t have status, was taken to the Arlington jail where a detainer was placed. In the case of my partner, they had said he was going to leave but they transferred him to ICE. So what the police do is criminalize us with charges and in a way more charges just for not having papers. That is why we want to stop the collaboration with ICE, from an initial contact with the police, to the entire process, if there is one.”

SECTION VI. THREATS OR CONDITIONING ACTION BASED ON CITIZENSHIP OR IMMIGRATION STATUS PROHIBITED

This section prohibits the use of a person’s immigration status or nationality in trying to threaten them or coerce them into a particular action. Using a person’s immigration status against them in unrelated circumstances or proceedings is discriminatory and cultivates a culture of fear and distrust among migrant communities. Arlington residents, regardless of citizenship or immigration status, should be free to access County benefits and services without the threat of family separation and deportation.

STORIES FROM OUR COMMUNITY*

Johanna, resident of Arlington for 3 years:

“It would be good that they did not review our status. It should be kept private [and] that no one will be told [about our status]. This way people who want to threaten someone just for just being a migrant can’t do this anymore.”

SECTION VII. PARTICIPATION IN FEDERAL REGISTRIES PROHIBITED

This section aims to limit Arlington County’s participation in any federal program that requires registration of people based on citizenship, immigration status, race, nationality or ethnicity, language proficiency, gender, gender identity, sexual orientation, religion, disability, or age. Discriminatory, identity-based registries, such as [National Security Entry-Exit Registration System \(NSEERS\)](#), have been utilized by the federal government to profile and target individuals on the basis of ethnicity, religion, and immigration status.

SECTION VIII. IDENTIFICATION

This section requires that Arlington County accepts a range of identification documents when delivering services and benefits to residents, including non-government issued forms. Migrant communities often lack federal or state-issued ID’s solely due to their non-citizen status. The identification listed in the first provision reflects the list of identification accepted by the Virginia Department of Motor Vehicles for obtaining a [Virginia Driver Privilege Card](#). The second provision allows departments to consider other non-government issued identification as acceptable forms of identification. It is imperative that these provisions apply to law enforcement, as allowing people stopped for offenses to prove their identity with non-standard ID provides a way for undocumented individuals to be released or given citations rather than arrested. Reducing arrests mitigates the harsh consequences that can follow merely from being detained, such as loss of job or income, housing insecurity, inability to care for children, or transfer to immigration detention.

SECTION IX. COMPLIANCE

This section provides an overview of measures to ensure that Arlington County complies with this policy, including specific measures that must be taken by the County, Department Heads, Office of the County Attorney, and the County Manager. Although the aim of CAPA is to ensure that Arlington County ends all voluntary collaboration with federal immigration enforcement authorities, there must be transparency and accountability measures in place if any County employee or department is not following the directives of the CAPA Policy. The transparency and data collection would provide aggregate information for the public on the actual practices of Arlington County departments and may reveal many forms of discrimination. Simultaneously, public disclosure of data can discourage negative behavior among employees and departments.

As organizations committed to ending local entanglement with ICE in Arlington, we urge the County Board to take the strongest possible stance in favor of its migrant and non-citizen residents by considering and adopting the CAPA Policy. We also urge the County Board to use all means at its disposal to encourage the Arlington County Sheriff's Department to end its voluntary collaboration with ICE as well. We would welcome a meeting to discuss the specific provisions in CAPA further and any feedback you may have.

If you have any questions, please reach out to **Danny Cendejas** (organizate@protonmail.com), **Amber Qureshi** (amber@nipnlg.org), and **Kristin Donovan** (kristin@justice4all.org). We hope to work together to ensure that all residents, regardless of immigration or citizenship status, feel safe from ICE in Arlington.

** The quotes in this memo were provided by directly impacted community members. While aspects of these quotes do not necessarily represent the precise views of the organizations that are signatories to this memo, all of the quotes serve to demonstrate that the fear of ICE within the immigrant community in Arlington—documented and undocumented—is so pervasive and deep-rooted that it impacts all aspects of their dealings with any governmental entity on any level.*