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**Public Comment of Allie Boldt, Counsel at Demos,**

**Before the Fairfax County Board of Supervisors, October 24, 2017**

Thank you.

My name is Allie Boldt, and I’m an attorney at Demos, an organization working to advance equality and inclusive democracy through advocacy and litigation. We’ve been partnering with CASA of Virginia and the Residents of Fairfax County Coalition to analyze how County policies can and must be strengthened to protect immigrant community members facing unfair and terrifying policies at all levels of government.

When thinking about what local jurisdictions can and cannot do, it’s important to remember that the U.S. Constitution is the supreme law of the land. Here’s what that means:

* Under the Fourth Amendment, to stop someone, local law enforcement officers need reasonable suspicion of a ***crime***—and they need even more to arrest someone. But being undocumented ***is not a crime***—it’s a civil violation, like not paying your taxes*.* This is why federal court after federal court has held that local detentions that are based on civil immigration matters are unconstitutional.
* The Fourteenth Amendment of the U.S. Constitution protects ***all*** persons from racial profiling, and other forms of discrimination based on race or national origin.
* And, the Tenth Amendment of the U.S. Constitution protects county governments from being forced to do the federal government’s bidding. This means that when Immigration and Customs Enforcement asks for something from the County, the County ***can just say no***.

While federal and Virginia statutes place some limits on the policies that counties can enact, they do not prevent Fairfax County from taking meaningful action to protect residents, including by:

* 1-Ending unconstitutional arrests and detentions based on civil immigration matters—including the existence of a civil warrant, removal order, or detainer.
* 2-Restricting when and how information about a person’s immigration status and other sensitive information is shared, and placing strict limits on when immigration status information is asked about in the first place.
* 3-Accepting a wider range of identification documents, and choosing not to criminally penalize people for not having a state ID.
* 4-Banning County contracts and agreements to perform or facilitate federal immigration law enforcement, including the Intergovernmental Services Agreement (IGSA).

These are just examples, but they clearly demonstrate that the legal landscape allows the County to do a lot more to protect its residents who are represented here today. In fact, the Constitution requires some of these changes.

Thank you again, and I am happy to answer any questions.