



Commonwealth of Virginia
Office of the Governor

Executive Order

EXECUTIVE ORDER 16 (2026)

A SAFER VIRGINIA FOR ALL

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including, but not limited to, §§ 2.2-103 and 2.2-110 of the *Code of Virginia*, I hereby announce the policy of the Commonwealth as it relates to protecting Virginians, providing the Commonwealth's public servants with appropriate guidance in their engagement with federal civil immigration enforcement, and supporting Virginia law enforcement in their commitment to the principles outlined in Executive Order No. 12 (2026).

Importance of the Issue

The Commonwealth is deeply committed to protecting all its residents from threats to their safety, security, and legal rights, and to ensuring that Virginia is the best place to live, work, and thrive—regardless of one's country of origin.

From January 2025 to March 2026, Virginia saw a significant increase in immigration-related detentions. Data show that approximately 70 percent of individuals booked in detention centers in Virginia have not been convicted of a crime. Additionally, 13 children under the age of six have also been detained during this timeframe.

Virginia's state and local law enforcement will always comply with federal law and are expected to cooperate with lawful federal immigration enforcement activities that protect our communities. At the same time, the public trust essential to local law enforcement is being undermined by the aggressive tactics used by federal immigration officials and the significant

increase in tempo and type of immigration-related arrests being made across the country. Kids in elementary school are afraid to get on the bus, neighbors fear being targeted based on their appearance at the grocery store, and workers are not showing up at their jobs. The Commonwealth must have policies and procedures in place to address the impact that increased federal immigration enforcement actions are having on our communities.

It is imperative that Virginia work proactively to reaffirm our commitment to constitutional, professional policing under the principles set forth in Executive Order No. 12 (2026), and ensure that Virginians—particularly those holding public positions most likely to interact with federal immigration enforcement—have the appropriate guidance to navigate these challenging situations.

Directives

Pursuant to the authority vested in me as the Chief Executive Officer of the Commonwealth and pursuant to Article V of the Constitution of Virginia, I hereby direct the following actions:

1. Executive branch departments and agencies shall confirm that federal immigration officers entering, accessing, or using nonpublic areas of property of the Commonwealth of Virginia for the purpose of facilitating federal enforcement of civil immigration law possess a valid warrant or order authorizing such agents to access the specific property.
2. Executive branch departments and agencies shall not permit or consent to federal immigration officers entering, accessing, or using nonpublic areas of property of the Commonwealth of Virginia as a staging area, processing location, or operations base for the purpose of facilitating federal enforcement of civil immigration law.
3. The Department of Criminal Justice Services shall develop guidance for persons designated to provide courthouse and courtroom security in their engagement with persons with the lawful authority to perform civil arrests who conduct or attempt to conduct a federal civil immigration arrest in a courthouse or courtroom, with such guidance informed by input from relevant stakeholders.
4. The Commonwealth's Attorneys' Services Council shall develop guidance for Commonwealth's Attorneys in their engagement with persons with the lawful authority to perform civil arrests who conduct or attempt to conduct a federal civil immigration arrest in an office of an attorney for the Commonwealth, with such guidance informed by input from relevant stakeholders.
5. The Department of Elections shall develop guidance for elections officials and poll workers in their engagement with persons with the lawful authority to perform civil arrests who conduct or attempt to conduct a federal civil immigration arrest at a polling

place when the polls are open and ballots are being counted, or within one hour of polls opening or after closing, with such guidance informed by input from relevant stakeholders.

6. The Virginia Department of Education, State Council of Higher Education for Virginia, and Virginia Community College System shall develop guidance for schools, including public preschools, primary schools, secondary schools, vocational or trade schools, and public institutions of higher education in their engagement with persons with the lawful authority to perform civil arrests who conduct or attempt to conduct a federal civil immigration arrest in a school building or on school grounds, with such guidance informed by input from relevant stakeholders.
7. The Virginia Department of Health shall develop guidance for hospitals and other facilities providing health care services in their engagement with persons with the lawful authority to perform civil arrests who conduct or attempt to conduct a federal civil immigration arrest in such a facility, with such guidance informed by input from relevant stakeholders.
8. The Secretary of Administration shall coordinate the development and publication of a website outlining the guidance above, as well as resources available in the Commonwealth for individuals affected by federal civil immigration enforcement in Virginia, including providing a mechanism for Virginians to report alleged discriminatory practices and/or violations of Virginia law by agents.
9. Executive Branch departments and agencies shall take all necessary steps to implement this directive and shall ensure that relevant staff are aware of the requirements of this Order and trained to interact with federal immigration officers accordingly.

The Secretary of Public Safety and Homeland Security shall provide input and assistance under this Executive Order as may be requested by any Secretariat or executive branch agency.

Nothing in this Executive Order shall be construed to limit lawful authority, officer discretion, or existing intergovernmental agreements, provided actions remain consistent with constitutional requirements, nor shall it be construed to restrict, prohibit, or in any way prevent an Executive Branch department or agency from:

1. Facilitating the enforcement of the criminal laws of the Commonwealth on state property;
2. Complying with all applicable federal, state, and local laws and regulations;
3. Complying with a valid judicial warrant or other judicial order or responding to any request authorized by a valid judicial warrant or other judicial order;

4. Engaging in any intergovernmental, interagency, or joint law enforcement task forces or other related conduct, the primary purpose of which is unrelated to federal civil immigration enforcement; or
5. Allowing federal authorities access to any property of the Commonwealth that is open to the general public, on the same terms on which the general public can access such property.

Effective Date of the Executive Order

This Executive Order shall become effective upon its signing and shall remain in full force and effect until amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 20th day of May 2026.



Abigail D. Spanberger

Abigail D. Spanberger, Governor

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Candi Mundon King, Secretary of the Commonwealth