

TOWN OF HERNDON

Enriching the Quality of Life and Promoting a Sense of Community



FAQs

ILLEGAL ALIENS AND THE LAW

Are there existing laws within the Town of Herndon that directly address the presence of illegal aliens in our community?

Yes. The most significant is participation by the Herndon Police Department in the Department of Homeland Security's 287(g) program, which authorizes trained local law enforcement personnel to perform certain acts of an Immigration Officer. Participation in 287(g) authorizes trained officers, in the course of their normal duties, to question and detain individuals for potential removal from the United States if these individuals are identified as criminal illegal aliens – individuals who pose a significant threat to national security and public safety. The Town of Herndon entered into the program in 2007, following approval by the Herndon Town Council of an MOA between the town and the Department of Homeland Security. Additionally, 19.2-81.6, Code of Virginia allows Herndon police officers to arrest without a warrant an individual who is confirmed to be an alien illegally present in the U.S. and has been previously convicted of a felony and deported or left the U.S.

The following resolutions have also been enacted by the Herndon Town Council:

- 06-G-116: Requires the town manager to implement and enforce procedures to ensure that town contractors do not hire illegal aliens. The measure is enforced through a clause in all town contracts that requires certification from contractors that they will not employ illegal aliens. The resolution applies to sub-contractors as well.
- 06-G-117: Requires the town manager to implement and enforce procedures to ensure that illegal aliens do not receive business licenses from the town. The measure is enforced through a requirement that all business license applications include a notarized statement that the applicant is authorized to work in the United States or through field research conducted at the town manager's direction.

