The background of the page features a large, faint, circular seal. The seal contains a map of the county and the text "STATE OF PRINCE WILLIAM COUNTY" around the perimeter.

Analysis of County Services

***Illegal Immigration
October 2, 2007***

Memorandum

Response to Board Resolution Regarding
Restricting County Services to Illegal
Immigrants

Analysis of County Services

Presentation

Resolution

Community Development

General Government

Human Services

Public Safety



Craig S. Gerhart
County Executive

COUNTY OF PRINCE WILLIAM

OFFICE OF EXECUTIVE MANAGEMENT


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BOARD OF COUNTY SUPERVISORS

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September 26, 2007

TO: Board of County Supervisors

FROM: Craig S. Gerhart
County Executive 

RE: Response to Board Resolution Regarding Restricting County Services to
Illegal Immigrants

Attached are the materials that staff will be presenting to you at your October 2nd worksession regarding the provision of general County government services to illegal immigrants. This worksession is the second of two (the first being the Police presentation on September 18th) that staff was directed to conduct in response to the following adopted Board resolution:

Conduct a worksession that outlines enabling authority and legal conditions under which PWC provides public benefits and services:

- *Local benefits that must be provided regardless of status*
- *Local benefits that must not be provided to illegal immigrants*
- *Local benefits for which there is discretion and the relative merits of exercising that discretion*
- *In a manner fully consistent with federal law*
- *Shall not be construed so as to prohibit the rendering of emergency medical care or any other public benefits mandated by federal or state law*
- *Reporting of a crime or criminal activity to any law enforcement agency*

Legal Issues - The County Attorney's Office has identified various legal issues associated with the issue of restricting services to illegal immigrants. Those included in this presentation:

- Complexity of verifying citizenship, legal status and illegal status
- Due Process Clause – 14th Amendment to the Constitution

- Equal Protection Clause - 14th Amendment to the Constitution
- Supreme Court decision in Plyler vs. Doe
- Constitutional Supremacy Clause
- Dillon Rule
- FOIA
- Property Ownership laws

Illegal Immigration Analysis - Completed by agencies (see Attachment) consists of four parts:

- **Program/Service** - This is the name of the service provided by the agency.
- **Laws/Regulations Currently Guiding Service Delivery** - These are any current federal, state or local regulations that guide agency service delivery by program/service – whether it restricts services being provided to illegal immigrants or it restricts the County from not serving illegal immigrants.
- **If Verification Required/How Conducted?** - If the agency currently has laws and regulations that restrict service delivery to illegal immigrants, verification process is listed here.
- **Impacts** - These are impacts anticipated if the BOCS takes the step to restrict the service to illegal immigrants. In completing this part of the analysis, agencies considered the impact based on their services fitting into three basic categories:
 - **Regulatory** - Those services where the County has a regulatory role to play such as business licenses and building permits or code enforcement.
 - **Customer Service Delivery that has Impacts on the County at-large or on County Citizens Generally** - These are services that may be provided to individuals but have impacts on the general public.
 - **Discretionary Customer Service Delivery** - These are services which are geared towards the individual client.

Staff Recommendations - The attached forms were completed by each agency and provide a great deal of information on the services of County government. After reviewing agency analyses and consulting with the County Attorney's Office, we have grouped our recommendations into four categories which are detailed on the attached slides (and are color-coded for ease of review):

- **Services Already Restricted** - These are County services that are already restricted from illegal immigrants. Notes:
 - Eligibility/legal status already being determined
 - Services are funded by both state and local dollars

- **Services That Cannot be Restricted** - These are County services that cannot be restricted for legal reasons. Notes:
 - Services are funded by both state and local dollars
 - Code citation or legal reference is provided
- **Services That Should be Restricted** - Based on analysis to date, these are County services that staff is recommending restricting from illegal immigrants.
- **Services Could be Restricted but Impact/Cost is High** - These are services that could be restricted but impact and cost needs to be better defined. Notes:
 - Costs include new expenditures in order to restrict services/determine eligibility
 - Costs include changes to facilities or processes in order to restrict
 - Costs include lost revenue due to restricting services
 - Impact includes major inconvenience to legal residents
- **Services that Should not be Restricted** - These are County services staff would recommend not restricting. Notes:
 - Analysis to date shows impact/costs too high
 - Restricting these services to illegal immigrants would have a detrimental impact on the safety and health of the community
- **Services Provided to Community as a Whole** - These are County services that don't benefit any one individual or group of individuals.
- **Services that Benefit Employees** - These are services that support County employees - all of whom are legal.

BOCS Actions Requested - Staff is recommending that the Board take the following actions:

- Accept the reports of the Police Chief and the County Executive and direct staff to implement the recommendations
- Authorize the creation of seven FTEs for the Police Department to create the Criminal Alien Unit
- Direct staff to explore an agreement with Immigration and Customs Enforcement (ICE) at the Juvenile Detention Center similar to 287(g) at the Adult Detention Center.

- Authorize the restriction of the following services to illegal immigrants in the community as of January 1, 2008:
 - Sheriff Adult Identification Services
 - Homeless Intervention Programs – rental and mortgage assistance
 - DORM Substance Abuse program in ADC
 - HIDTA Prevention Program
 - Adult Services to allow elderly and disabled to remain in homes – DSS
 - Adult Day Care
 - Aging In-home Care
 - Bluebird Bus Tours
 - Senior Centers
 - Business Licenses
 - Community Leadership Institute
 - Elderly/Disabled Tax Relief Program
 - Tax exemption for renovation/rehabilitation of residential properties
 - Public Works Warehouse Sale

- Direct staff to pursue legislative actions to strengthen the County’s ability to address illegal immigration including:
 - Federal and state immunity
 - Full implementation of REAL ID ACT
 - Creation of separate criminal and civil NCIC databases
 - More robust federal funding for local participation in SCAAP, 287(g), Gang Task Force, and other public safety programs including police staff to enforce immigration
 - Support the proposed recommendations of the Virginia State Crime Commission Illegal Immigration Task Force

Next Steps - The following next steps are recommended:

- Implement public information campaign for both Police materials and general County government
- Staff Training
- Hire/Train Police staff
- Include issues in legislative package
- Continue Analysis as directed through the budget process
- Begin restricting directed services as of January 1, 2008



Prince William County Government

Analysis of County Services

Illegal Immigration

October 2, 2007

Today's Presentation

- BOCS Resolution
 - Challenges and Opportunities
 - Legal Issues
 - Definitions of Service Categories
 - Recommendations by Service Area
 - ◆ Human Services
 - ◆ Community Development
 - ◆ General Government
 - ◆ Public Safety
 - Other BOCS Opportunities
 - BOCS Actions Requested
 - Next Steps
-
-



BOCS Resolution

- BOCS Resolution Adopted on July 10th directed staff to do the following:
 - ◆ Worksession that outlines enabling authority and legal conditions under which PWC provides public benefits and services:
 - Local benefits that must be provided regardless of status
 - Local benefits that must not be provided to illegal immigrants
 - Local benefits for which there is discretion and the relative merits of exercising that discretion



BOCS Resolution

- Board Directive shall be implemented:
 - ◆ In a manner fully consistent with federal law
 - ◆ Shall not be construed so as to prohibit the rendering of emergency medical care or any other public benefits mandated by federal or state law
 - ◆ Reporting of a crime or criminal activity to any law enforcement agency



Challenges and Opportunities

- Data suggests that there are currently 12 million illegal immigrants in the United States with 500,000-800,000 entering each year
- This is predominantly a federal issue as it has control and responsibility for securing the nation's borders
- Prince William County must rely on the Immigration and Customs Enforcement (ICE) agency to enforce immigration status of illegal immigrants
- The County must operate under federal and state laws that guide service delivery in many areas
- Many concerns have been expressed about the impact of illegal immigrants on the community including code enforcement issues, costs and crime



Challenges and Opportunities

- ❑ Citizen expectations for what a local government can accomplish in regard to illegal immigrants
- ❑ Balancing restricting services to illegal immigrants with culture of excellent service to our customers who are legal
- ❑ Restricting illegal immigrants may potentially free-up opportunities for legal residents to access services
- ❑ Cost of restricting services and the fact that denying services to illegal immigrants may not save the County money due to sunk costs
- ❑ Training all County staff to know and understand the myriad of documentation that provides proof of legal status



Challenges and Opportunities

- Children we serve may be citizens of the USA but their parents are illegal immigrants complicating service delivery
- Unintended consequence of restricting services to individuals thus impacting the health and safety of the community
- This directive afforded the opportunity to review services from the standpoint of serving illegal immigrants but the effort was and continues to be extremely time-consuming
- The Board could decide to restrict more services but it needs to decide which legal battles it wants to entertain service by service and client by client



Legal Status – Federal Law

Citizenship is available to people:

Born in the U.S., regardless of the citizenship of parents, or born abroad to citizen parent(s), provided certain conditions are met, or who receive citizenship through derivation from a naturalized or native born parent or a spouse, or Who naturalize, or who receive special Congressional legislation.

Legal immigration status is available to people who have received lawful permanent residence status, or conditional residence status (temporary).



Illegal Status – Federal Law

A person who has:

Entered the U.S. without authorization from the federal government, or overstayed the temporary period of authorization he or she was granted to be in the U.S. Been ordered to leave the U.S. by federal immigration authorities



Due Process Clause

The Fourteenth Amendment to the U.S. Constitution provides:

Section 1.

“All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges and immunities of the citizens of the United States; *nor shall any State deprive any person of life, liberty or property without due process of law*; nor deny to any person within its jurisdiction the equal protection of the laws.”

The U.S. Supreme Court has held that illegal aliens are “persons” protected by the due process clause. *Shaugnessy v. Mezei*, 345 U.S. 206 (1953); *Wong Wing v. United States*, 163 U.S. 228 (1896).



Equal Protection

The Fourteenth Amendment to the U.S. Constitution provides:

Section 1.

“All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges and immunities of the citizens of the United States; nor shall any State deprive any person of life, liberty or property without due process of law; *nor deny to any person within its jurisdiction the equal protection of the laws.*”

The U.S. Supreme Court has interpreted the phrase “person within its jurisdiction” to include illegal aliens, so they are entitled to equal protection just as they are entitled to due process. *Plyler v. Doe*, 457 U.S. 202 (1982)



Plyler v. Doe

Supreme Court struck down a Texas statute denying a free public education to illegal immigrant children.

The trial court record in the case (which always controls the outcome at the appellate level) included the following evidence/findings:

- ◆ Texas did not show the restriction would prevent illegal immigration;
- ◆ Texas did not show it would improve the quality of education
- ◆ It would only affect illegal immigrant families, not the broad class of illegal immigrants

Given the current state of immigration law, “the illegal alien of today may well be the legal alien of tomorrow.”



Plyler v. Doe (cont.)

Reasons stated by the Court for holding the Texas restriction irrational and therefore, unconstitutional:

- ◆ Illegal immigrant children have no control over the decision of their parents to bring them to this country unlawfully. The restriction was an unjust attempt to punish them directly for their parents' unlawful acts
- ◆ Public education is not merely a “benefit,” “it has a fundamental role in maintaining the fabric of our society” in preparing all children to be productive members of our society
- ◆ Because the Court could find no rational basis for denying “innocent children” an education, it stated that Texas had to show that the restriction furthered a substantial goal of the state



Plyler v. Doe (cont.)

The Court held that Texas could not show a substantial government interest to support the restriction because:

- ◆ The evidence showed that the dominant incentive for illegal immigration was the availability of employment, not the availability of a free public education.
- ◆ The record showed that many of the children denied an education would be in this country indefinitely, some becoming lawful residents and citizens.
- ◆ Texas could not show that it needed to protect its resources against an influx of illegal immigrants because the evidence did not include data that illegal immigrants posed a significant burden on the state's economy.



***Plyler v. Doe* (cont.)**

Statements made by the *Plyler* Court to bear in mind so long as it remains the law:

“Persuasive arguments support the view that a State may withhold its beneficence from those whose very presence within the United States is the product of their own unlawful conduct.”

“These arguments do not apply with the same force to classifications imposing disabilities on the minor children of such illegal entrants.”



Additional General Legal Principles

The Supremacy Clause of the U.S. Constitution (Art VI, cl. 2) provides, in pertinent part:

“This Constitution, and the Laws of the United States ... shall be the Supreme Law of the Land; and the Judges in every State shall be bound thereby ...”

Section 1-248, VA Code Ann., provides:

“The Constitution and laws of the United States and of the Commonwealth shall be supreme. Any ordinance, resolution, bylaw, rule, regulation, or order of any governing body or any corporation, board or number of persons shall not be inconsistent with the Constitution and laws of the United States or of the Commonwealth.”

This means that **federal or state laws** prohibiting localities from providing services to illegal immigrants, or requiring localities to provide services to illegal immigrants **must be obeyed**.



Additional General Legal Principles

Virginia is a Dillon Rule state. This means that local governments can only exercise those powers that are:

- ◆ Expressly granted to them by the legislature, or
- ◆ Those fairly or necessarily implied in express grants of power, or
- ◆ Those that are indispensable and essential



Services to or for Children

The reasoning of *Plyler* should be noted by state and local governments attempting to limit services to children.

- ◆ The more closely a service is tied to providing education, the more likely it is that *Plyler* will be applied to strike down denial of the service to illegal immigrant children (example: public library services).
- ◆ The reasoning of *Plyler* will likely be extended by lower courts to government services that protect children from direct threats of harm (examples: child abuse and neglect investigation and prosecution and foster care services).

Given this, and the operation of the Dillon Rule, it is important to Virginia localities what guidance is given by the Code of Virginia in this area.

The Code does not give express or implied authorization to limit child protective services, for example, to only those children legally present.



Freedom of Information Act

Section 2.2-3700, et seq., VA Code Ann.

Establishes the general rule that government records - not subject to any exemption granted by the Act - belong to the “public” and are open to public inspection.

The current language of FOIA does not support denying access to public records and information to any resident of the Commonwealth, regardless of the requestor’s legal status.



Real Property Ownership

“Non-enemy aliens” are allowed to own real estate in Virginia and use and dispose of it in the same way that citizens can. Section 55-1, VA Code Ann.

If a local government infringes property rights with regulations that are not legally authorized, those regulations have been struck down as a government “taking” of private property rights.

Since the Code draws no distinction between the property rights of illegal immigrants and those legally present, local regulation that restricts use of property by illegal aliens (examples: refusals to consider rezoning, subdivision or special use permit applications, or denials of building permits) will likely be disfavored by the courts under the U.S. Constitution and the Dillon Rule.



Scope of Review

For the purposes of today's discussion, the County Attorney's Office has provided summary advice on the Board's existing legal authority to limit the provision of services based on immigration status.

Our review was based on 1) current status of federal law and implementing orders and regulations; 2) current wording of the Code of Virginia and its implementing regulations; 3) currently available case law and 4) our understanding of operation of each program as a general matter.

If any these bases change, or if the operation of any program in an individual instance is different from our conceptual understanding of the program, our advice could change.



Background

- The County has devoted significant resources to the property code enforcement program and neighborhood services in order to address concerns in the community including increasing staff from 25 in FY04 to 38 today
- The County has entered into 287(g) agreements between ICE and the ADC and is awaiting ICE decision regarding the agreement with Police
- The County currently enforces all legal restrictions barring illegal immigrants from receiving services



Definitions

- Services Already Restricted – These are County services that are already restricted from illegal immigrants. Notes:
 - ◆ Eligibility/legal status already being determined
 - ◆ Services are funded by both state and local dollars

- Services That Cannot be Restricted – These are County services that cannot be restricted for legal reasons. Notes:
 - ◆ Services are funded by both state and local dollars
 - ◆ Code citation or legal reference is provided



Definitions

- Services That Should be Restricted – Based on analysis to date, these are County services that staff is recommending restricting from illegal immigrants

- Services Could be Restricted but with Cost, Service and Legal Impacts – These are services that could be restricted but impacts need to be better defined Notes:
 - ◆ Costs include new expenditures in order to restrict services/determine eligibility
 - ◆ Costs include changes to facilities or processes in order to restrict
 - ◆ Costs include lost revenue due to restricting services
 - ◆ Impact includes major inconvenience to legal residents
 - ◆ Impact includes potential legal challenges



Definitions

- Services that Should not be Restricted – These are County services staff would recommend not restricting. Notes:
 - ◆ Analysis to date shows impact/costs too high
 - ◆ Restricting these services to illegal immigrants would have a detrimental impact on the safety and health of the community

- Services Provided to Community as a Whole – These are County services that don't benefit any one individual or group of individuals

- Services that Support the Work of Employees – These are services that support the work done by County employees



Public Safety

□ Agencies include:

- ◆ Adult Detention Center
- ◆ Clerk of the Circuit Court
- ◆ Fire and Rescue
- ◆ Juvenile Court Services Unit
- ◆ Office of Criminal Justice Services
- ◆ Police
- ◆ Public Safety Communications
- ◆ Sheriff



Public Safety Challenge and Opportunities

- ❑ Federal law and the BOCS directive states that emergency medical service should not be withheld due to legal status
- ❑ Most services provided through public safety agencies to individuals also have an impact on the health and safety of the overall community
- ❑ Many services are time-sensitive and thus determining legal status becomes impractical
- ❑ On September 18th the Police Chief presented the Board with information that governs most of the Police Department services
- ❑ Juvenile Court Services Unit (JCSU) is a state agency and BOCS influence is through legislative process or County budget process



Public Safety

□ Services Impacted by 287-G agreement:

- ◆ Police operations/patrol
- ◆ Criminal Investigations Division (CID)
- ◆ ADC
- ◆ Gang Task Force
- ◆ OCJS Services/Screening

□ Already Restricted:

- ◆ Concealed Weapons Permit
- ◆ All licenses issued by the Police, e.g., Peddlers, taxicab
- ◆ Police Volunteers



Public Safety

Cannot Restrict:

- ◆ Emergency Medical Services – BOCS resolution
- ◆ Sheriff Services – warrants, evictions
- ◆ ADC Inmate Services – medical
- ◆ Juvenile Court Services Unit – state agency
- ◆ Public Safety Communications/E-911

Should Restrict:

- ◆ Sheriff Adult Identification Services



Public Safety

Could Restrict But with Cost, Service and Legal Impacts:

- ◆ Fire and Rescue Prevention Services
- ◆ Police Crime Prevention Services
- ◆ These services help to prevent incidents that may impact the health and safety of the community and also are provided in school settings where the County has no authority to restrict
- ◆ Funeral Escorts – traffic issues

Should Not Restrict:

- ◆ Fire Response
- ◆ Animal Control
- ◆ School Crossings

Employee Services:

- ◆ Recruiting, Hiring, Training
-
-



Human Services

□ Agencies:

- ◆ Area Agency on Aging
- ◆ At-Risk Youth and Family Services
- ◆ Cooperative Extension
- ◆ Community Services
- ◆ Department of Social Services
- ◆ Office on Youth
- ◆ Public Health



Human Services Challenges and Opportunities

- Many human services programs are already restricted – particularly federal benefits

- Children are citizens but parents are illegal
 - ◆ Children thus eligible for federal benefits
 - ◆ Treatment of the citizen child often requires treatment of the family as a whole

- Many services are provided to an individual but not providing services to the individual puts the community at-risk



Human Services Challenges/Opportunities

- Many human services are funded with a mix of Federal, State and County money

- Two human services agencies are actually state agencies/BOCS influence through legislative process and County budget process
 - ◆ Cooperative Extension
 - ◆ Health



Services Already Restricted – County Staff Currently Verifying Legal Status

- Food Stamps

- Temporary Assistance for Needy Families - TANF

- Medicaid funding for all human services
 - ◆ Vocational Services/CSB
 - ◆ Mental Health and Mental Retardation Services/CSB
 - ◆ Aging programs
 - ◆ Youth/Family/Adult Services in CSB

- General Relief/Burial Assistance



Services Already Restricted – County Staff Currently Verifying Legal Status

- Employment Services/Virginia Initiative for Employment not Welfare (VIEW)
- Employment Services – Food Stamp Employment and Training (FSET)
- VIEW Child Care Program
- State and Local hospitalization program – DSS
- CSB Mental Health Vocational Services



Services that Cannot Be Restricted

- Aging services funded all or in part with Older American's Act money: Information and Referral, Meals

- Department of Health Services – Federal law, BOCS resolution and state agency

- Cooperative Extension – state agency

- Juvenile Detention Facility and Detention Programs – Group Homes, Shelter
 - ◆ Juveniles who commit crimes need to be incarcerated
 - ◆ Exploring agreement with ICE at JDC similar to 287-G at ADC



Human Services that Cannot be Restricted

- Child Protective Services
- Foster Care
- At-Risk Youth Services



Services that Should be Restricted

- Homeless Intervention Programs – rental and mortgage assistance
- Drug Offender Rehabilitation Module (DORM) Substance Abuse program in ADC
- High Intensity Drug Trafficking Area (HIDTA) Prevention Program
- Adult Services to allow elderly and disabled to remain in homes – DSS
- Adult Day Care
- Aging In-home Care
- Bluebird Bus Tours
- Senior Centers



Services that Should not be Restricted

- Services provided to minors, many in school settings:
 - ◆ CSB New Horizons – substance abuse services to minors at schools
 - ◆ Office on Youth
 - ◆ CSB Early Intervention – result is more costly services when child reaches school
 - ◆ SACC – self-supporting program – revenue loss to program could result in higher fees to remaining families



Services that Should not be Restricted

□ Services that Protect the Community as well as individuals:

- ◆ Homeless Shelter
- ◆ Services to Seriously Mentally Ill:
 - Psychiatric Evaluation/Medication
 - Crisis Assessment and Intervention
 - Civil Commitment Hearings
 - Supported Living and Club
- ◆ Services for the Mentally Retarded

□ Services if restricted could cost the County more in the long run:

- ◆ MOMS – Substance Abuse program for pregnant women



Community Development

□ Agencies:

- ◆ Economic Development
- ◆ Housing and Community Development
- ◆ Park Authority
- ◆ Planning
- ◆ Public Works
- ◆ Transportation



Community Development Challenges and Opportunities

- Many services provided in this area are for the benefit of the community as a whole not for individuals
- This area has various regulatory roles that protect the health and safety of the community
- Property ownership and use protected by law



Services Already Restricted – County Staff Currently Verifying Legal Status

- Programs of the Office of Housing and Community Development
 - ◆ Section 8 Housing Choice Voucher Programs
 - ◆ Homeownership Assistance Loans provided through Federal HOME Investment Partnerships Program Funding
 - ◆ Community Housing Development Organization set-aside funding
 - ◆ Dawson Beach Transitional Housing
 - ◆ Housing Rehabilitation



Community Development

□ Services that Cannot be Restricted:

- ◆ Development Process Activities – permits, inspections, Comp Plan amendments, Re-zonings.
- ◆ Facility Use
- ◆ CDBG Grants

□ Services that Should be Restricted:

- ◆ Public Works Warehouse Sale



Services that Could be Restricted but with Cost, Service and Legal Impacts

□ Park Authority Services to Adults:

- ◆ Indoor recreation centers
- ◆ Pools, water parks
- ◆ Golf courses
- ◆ Batting cages, BMX, boating
- ◆ Sports leagues who allow illegal immigrants

□ Historic Facilities



Services that Could be Restricted but with Cost, Service and Legal Impacts (cont)

□ Issues:

- ◆ All registration activities would need to be done in person
- ◆ Facility changes and staffing increases would be necessary to determine status at each facility
- ◆ Revenue generation will be impacted
- ◆ Leagues would need to put practices in place to check legal status
- ◆ Citizen children would be attending because they are legally allowed but parents would not be able to participate
- ◆ In many ways, these programs constitute prevention activities related to health, crime, and welfare of participants particularly children



Services that Should Not be Restricted

- ❑ Passive use of space – County parks, neighborhood facilities – impractical given physical size and locations of parks
- ❑ Landfill/Solid Waste – impact on health/safety of community
- ❑ Property Code Enforcement – regulatory function/impact on health/safety of community



Services that Benefit the Community as a Whole

- Comprehensive Plan Update
- Street Signs
- Street Lights
- Transportation Road Improvement Program (TRIP)
- Road Bond Design/Construction
- Mosquito and Gypsy Moth Control
- Stormwater Drainage



General Government

□ Agencies:

- ◆ Office of Executive Management
- ◆ Office of Information Technology
- ◆ Finance
- ◆ Human Rights
- ◆ Voter Registrar
- ◆ Library



General Government Challenges and Opportunities

- Many of the services provided in this area are done for the benefit of the community as a whole
- The County has devoted resources to technology that allows residents to access services from their homes or businesses
- Public information is protected under FOIA



General Government

□ Services already restricted:

- ◆ Voter registration
- ◆ Vendor payments – All vendors must comply with applicable federal, state and local laws. Since July 2007 County contracts specifically mention federal immigration laws. A W-9 is required for vendor registration and payment.

□ Services that cannot be restricted:

- ◆ FOIA requests
- ◆ Channel 23 access
- ◆ Taxes/decals
- ◆ County publications
- ◆ PWC web site
- ◆ Human Rights investigations



Services that Should be Restricted

□ Business Licenses:

- ◆ Currently require license for businesses that gross over \$100,000 annually – would require proof of legal status of owner upon renewal in March and all new businesses in this category
- ◆ Currently no business license for businesses that gross under \$100,000 annually. To accomplish:
 - Change in County code to require license in this category which was the subject of an efficiency reengineering
 - Could charge flat fee to these businesses to cover cost of issuing license - \$30 is limit for under \$50,000/\$50 is state limit over \$50,000
 - Would require owners to be legal residents and to come in for licenses where currently they do not
 - Would negate efficiencies achieved in reengineering of business licenses



General Government

□ Services that Should be Restricted:

- ◆ Community Leadership Institute
- ◆ Elderly/Disabled Tax Relief Program
- ◆ Tax exemption for renovation/rehabilitation of residential properties
- ◆ State legislation would be most desirable with the restriction of tax relief programs

□ Services that Could be Restricted but with cost, service and legal impacts:

- ◆ E-government services – all residents would need to come to County in person for all services



General Government

□ Services that Could be Restricted but with cost, service and legal impacts:

- ◆ Library facilities, services and programs for adults
 - All registration activities would need to be done in person
 - Facility changes and staffing increases would be necessary to determine status at each facility
 - Citizen children would be attending because they are legally allowed but parents would not be able to participate

□ Services that Should Not be Restricted

- ◆ Library facilities, services and programs for children



Services that Benefit the Community as a Whole

- Executive Management
- Legislative Affairs
- Budget development and implementation
- CIP development and implementation
- BOCS/Clerk activities



County Services for Employees

- Fleet management
- OIT Systems Support:
 - ◆ Public Safety systems
 - ◆ Financial systems
 - ◆ Human Services systems
 - ◆ Development Services systems
- Human Resources Services
- Training and Organizational Development
- Buildings and Grounds
- Facility



Identifying Illegal Immigrants

- ❑ Accept valid Virginia Driver's License or valid Virginia identification
- ❑ As necessary, advocate for full implementation of REAL ID ACT
- ❑ Other documentation would include:
 - Birth certificate
 - Certificate of Citizenship (N- 560, N-561 or N-600)
 - Naturalization certificate (N-550) (N-570)
 - Report of Birth Abroad of U.S. Citizen (Form FS-240, FS 545, DS 1350)
 - U.S. Citizen I.D. card (I-197) U.S. Passport
 - U.S. Passport
 - Consular report of birth
 - American Indian card (I-872)
 - Northern Mariana Primary I.D. card (I-873)
 - Social Security Number (SSN) issued prior to 6/30/48



Additional BOCS Opportunities

- Free-up ADC space for 287-G implementation by building upon OCJS' successful adult intensive pre-trial supervision program
 - ◆ Adult Day Reporting Center – Divert from ADC
 - Target Population: probation violators with substance abuse and/or mental health treatment needs.
 - Rigorous prescreening to maintain Public Safety (non Violent Offenders)
 - Estimated cost of establishing the center ~ \$570,000 annually
 - Frees up ADC bed space
 - Staff is conducting detailed needs assessment of this opportunity and developing program design



Additional BOCS Opportunities

□ Neighborhood Services Staffing Plan

- ◆ Staffing Plan was reduced as part of FY2008 budget process – no new staff planned until FY2010
- ◆ Reinstating Staffing Plan would add:
 - 10 staff by FY2012
 - \$100,000 for neighborhood grant program
 - Educational videos
 - Total cost approximately \$1million



Additional BOCS Opportunities Implementation

□ Immigration Legislation:

- ◆ Federal and state immunity
- ◆ Full implementation of REAL ID ACT
- ◆ Creation of separate criminal and civil NCIC databases
- ◆ More robust federal funding for local participation in SCAAP, 287(g), Gang Task Force, and other public safety programs including police staff to enforce immigration
- ◆ Support the proposed recommendations of the Virginia State Crime Commission Illegal Immigration Task Force



Requested BOCS Actions

- Accept the reports of the Police Chief and the County Executive and direct staff to implement the recommendations
- Authorize the creation of seven FTEs – six detectives and one crime analyst for the Police Department to create the Criminal Alien Unit
- Direct staff to explore an agreement similar to 287(g) at the Juvenile Detention Center



Requested BOCS Actions

- Concur with the restriction of services as recommended by staff (green) as of January 1, 2008:
- Direct staff to pursue legislative actions to strengthen the County's ability to address illegal immigration as outlined



Next Steps

- Public Information Campaign
- Staff Training
- Hire/Train Police staff
- Include issues in legislative package
- Begin restricting directed services as of January 1, 2008



MOTION:

October 2, 2007
Regular Meeting
Res. No. 07-

SECOND:

**RE: IMPLEMENT RECOMMENDATIONS DERIVED FROM THE
ILLEGAL IMMIGRATION SERVICE ANALYSIS AND RESTRICT
IDENTIFIED SERVICES**

WHEREAS, the Prince William Board of County Supervisors and the community have expressed concerns regarding the impact of illegal immigrants in Prince William County; and

WHEREAS, on July 10, 2007, the Prince William Board of County Supervisors by Resolution No. 07-609 directed staff to return to the Board in 90 days with:

Worksession that outlines enabling authority and legal conditions under which PWC provides public benefits and services:

- Local benefits that must be provided regardless of status
- Local benefits that must not be provided to illegal immigrants
- Local benefits for which there is discretion and the relative merits of exercising that discretion
- In a manner fully consistent with federal law
- Shall not be construed so as to prohibit the rendering of emergency medical care or any other public benefits mandated by federal or state law
- Reporting of a crime or criminal activity to any law enforcement agency

WHEREAS, County staff has analyzed all agency programs and services based on the direction given by the Board and has provided a detailed report on that analysis to the Prince William Board of County Supervisors; and

WHEREAS, staff has categorized County programs and services into the following categories:

- Services that are already restricted by law
- Services that cannot be restricted by law
- Services that are not but should be restricted
- Services that could be restricted but with cost, service and legal impacts
- Services that should not be restricted given the impact on the community
- Services that are provided for the benefit of the community as a whole and not individuals
- Services that are provided to support staff in their provision of service to the community

WHEREAS, the Police Chief reported to the Prince William Board of County Supervisors on September 18, 2007 regarding the department's efforts to ascertain legal status given probable cause and to enter into a 287(g) agreement with Immigration and Customs Enforcement (ICE) and the resources needed to implement that agreement; and

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Page Two

WHEREAS, the Police Chief proposals include the creation of a Criminal Alien Unit and appropriate staff increases to address the new immigration-related responsibilities; and

WHEREAS, staff has identified legislative initiatives the County can pursue at the state and federal level to support Prince William County's efforts to enforce illegal immigrant enforcement;

NOW, THEREFORE, BE IT RESOLVED that the Prince William Board of County Supervisors does hereby accept the reports provided by the County Executive and the Police Chief and directs that the recommendations in those reports be implemented;

BE IT FURTHER RESOLVED that the Prince William Board of County Supervisors authorizes the Police Department to make General Order 45 public, in view of the community interest in the subject of illegal immigration, but in so doing neither the Board nor the Police Department waives any rights the County has to continue to assert available exemptions under the Freedom of Information Act or any other law for any other General Order;

BE IT FURTHER RESOLVED that the Prince William Board of County Supervisors authorizes the creation of seven (7) FTEs in the Police Department – six detective positions and one crime analyst position – to create the Criminal Alien Unit;

BE IT FURTHER RESOLVED that the Prince William Board of County Supervisors directs staff to restrict services identified in the attachment;

BE IT FURTHER RESOLVED that the Prince William Board of County Supervisors directs staff to pursue legislative initiatives identified in the attachment;

BE IT FURTHER RESOLVED that the Prince William Board of County Supervisors directs staff to explore a 287(g) agreement with Immigration and Customs Enforcement (ICE) at the Juvenile Detention Center similar to the 287(g) agreement at the Adult Detention Center with ICE.

Votes:

Ayes:

Nays:

Absent from Vote:

Absent from Meeting:

CERTIFIED COPY

Clerk to the Board

Services Recommended for Restriction from Illegal Immigrants:

- Sheriff Adult Identification Services
- Homeless Intervention Programs – rental and mortgage assistance
- DORM Substance Abuse program in ADC
- HIDTA Prevention Program
- Adult Services to allow elderly and disabled to remain in homes – DSS
- Adult Day Care
- Aging In-home Care
- Bluebird Bus Tours
- Senior Centers
- Business Licenses
- Community Leadership Institute
- Elderly/Disabled Tax Relief Program
- Tax exemption for renovation/rehabilitation of residential properties
- Public Works Warehouse Sale

Immigration

Attachment B

The US Congress and Virginia General Assembly should grant the broadest level immunity to local governments in the enforcement of federal immigration law.

Prince William County supports full implementation of the federal REAL ID Act to ensure that driver's licenses may be counted upon to indicate the holder is legally residing in this country.

Prince William County supports creation of separate civil and criminal databases in the National Crime Information Center.

The federal government should increase the level of resources provided the State Criminal Alien Assistance Program, 287 (g) and other public safety programs including gang interdiction and local law enforcement, so these provide 100% reimbursement of local costs in the enforcement of immigration law.

Prince William County supports the proposed recommendations of the Virginia State Crime Commission's Illegal Immigration Task Force as these will tend to promote uniformity in the administration and enforcement of federal immigration laws by Virginia localities and lessen the burden of housing illegal immigrants in local and regional jails.

Illegal Immigration Analysis

Agency Name: Economic Development

Division Name: All

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
Investment Attraction	One relevant provision: under Virginia law, Sec. 55-1, non-enemy aliens are allowed to own, use and dispose of real property to the same extent as citizens. It is not illegal for an alien to own a company that owns property and does business in Virginia, so long as that owner, and all company employees and representatives who enter the United States comply with federal immigration law in doing so.	N/A	Our assistance to companies interested in expanding or relocating in Prince William County is offered and provided based on the viability and compatibility of the project, including jobs and investment. The citizenship of the client is not a factor in determining the viability and compatibility of the project. The most recent example is the US Headquarters for German-based Zestron Corporation.
Existing Business Outreach	See above.	N/A	Our assistance to companies interested in expanding or relocating in Prince William County is offered and provided based on the viability and compatibility of the project, including jobs and investment. The citizenship of the client is not a factor in determining the viability and compatibility of the project. The most recent example is the US Headquarters for German-based Zestron Corporation.
Public Relations & Special Events	See above. Further, the Virginia Freedom of Information Act (FOIA) guarantees access to public records to residents of the Commonwealth. The County lacks legal authority at this point to interpret FOIA to limit access to public records to illegal aliens who reside in the Commonwealth. To the extent any part of delivery of this service is required by FOIA, a restriction based on legal status would be open to challenge.	N/A	Our assistance to companies interested in expanding or relocating in Prince William County is offered and provided based on the viability and compatibility of the project, including jobs and investment. The citizenship of the client is not a factor in determining the viability and compatibility of the project. The most recent example is the US Headquarters for German-based Zestron Corporation.

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
Buisness Location & Expansion Research	See above.	N/A	Our assistance to companies interested in expanding or relocating in Prince William County is offered and provided based on the viability and compatibility of the project, including jobs and investment. The citizenship of the client is not a factor in determining the viability and compatibility of the project. The most recent example is the US Headquarters for German-based Zestron Corporation.

Illegal Immigration Analysis

Agency Name: Office of Housing and Community Development

Division Name: Administration Program

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
Registering and Paying Vendors	To some extent, this service benefits outside vendors. See legal analysis for the Finance Department. In summary, those under contract with the County are required to comply with federal law, including prohibitions on hiring illegal immigrant employees.	See the Finance Department's Illegal Immigration Analysis Form that addresses this issue for all County agencies.	
Hiring and Paying Employees	These are services that support County employees in the performance of their work functions. As the County is required to verify legal status at the time of hire, all County employees have legal status. Therefore, the legal issues that arise when considering a restriction in a public service to private individuals are not implicated with respect to these internal employee services. See analysis provided on the form submitted by Human Resources for additional details.	See Human Resources form for information on verification required of County employees at the time of hire.	All employees are legal as verified by Human Resources

Illegal Immigration Analysis

Agency Name: Office of Housing and Community Development

Division Name: Community Preservation & Develop.

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
<p>Housing Rehab for County and Manassas Park</p>	<p>Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) also known as the Welfare Reform Act</p> <p>Term used by HUD is qualified and non-qualified aliens not illegal immigrants..</p>	<ul style="list-style-type: none"> • Birth certificate • Certificate of Citizenship (N- 560, N-561 or N-600) • Naturalization certificate (N-550) (N-570) • Report of Birth Abroad of U.S. Citizen (Form FS-240, FS 545, DS 1350) • U.S. Citizen I.D. card (I-197) • U.S. Passport • Consular report of birth • American Indian card (I-872), first issued by INS, now known as the United States Citizenship and Immigration Services (USCIS) in 1983 • Northern Mariana Primary I.D. card (I-873), issued prior to 1986 and to applicants born prior to 11/3/86 by INS • Social Security Number (SSN) issued prior to 6/30/48 • Picture ID 	<p>No impact, service is already restricted to the extent required and permitted by federal law.</p>
<p>CDBG Competitive Funding Pool</p>	<p>Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) also known as the Welfare Reform Act.</p> <p>Please note that PRWORA does not restrict providing federal public benefits to qualified aliens. Although PRWORA prohibits non-qualified aliens from receiving non-exempted federal public benefits, it does not prohibit governmental or private entities from receiving grants that they might then use to provide</p>	<p>N/A</p>	<p>No impact. Services are already restricted to the extent required and permitted by federal law.</p>

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
	<p>assistance to aliens, so long as the benefit ultimately provided to the non-qualified aliens does not itself constitute a federal public benefit. PRWORA also exempts nonprofit charitable organizations from verifying an applicants' status. According to the Federal Department of Justice (DOJ) Interim Guidance, which is the only guidance so far published, a nonprofit charitable organization that chooses not to verify cannot be penalized (e.g., through cancellation of its grant or denial of reimbursement for expenditures) for providing federal public benefits to a non-qualified alien, except when it does so either in violation of independent program verification requirements or in the face of a verification determination made by a non-exempt entity.</p>		
<p>Dawson Beach Transitional Housing under Housing Finance and Development in OHCD. CPD Manager must monitor for compliance with CDBG regulations.</p>	<p>Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) also known as the Welfare Reform Act. Term used by HUD is qualified and non-qualified aliens not illegal immigrants..</p>	<p>Birth certificate</p> <ul style="list-style-type: none"> • Certificate of Citizenship (N- 560, N-561 or N-600) • Naturalization certificate (N-550) (N-570) • Report of Birth Abroad of U.S. Citizen (Form FS-240, FS 545, DS 1350) • U.S. Citizen I.D. card (I-197) • U.S. Passport • Consular report of birth • American Indian card (I-872), first issued by INS, now known as the United States Citizenship and Immigration Services (USCIS) in 1983 • Northern Mariana Primary I.D. card (I-873), issued prior to 1986 and to 	<p>No impact. Service is already restricted to the extent required and permitted by federal law.</p>

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
		applicants born prior to 11/3/86 by INS <ul style="list-style-type: none"> • Social Security Number (SSN) issued prior to 6/30/48 Picture ID	
Cooperative Extension Funding	Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) also known as the Welfare Reform Act. Term used by HUD is qualified and non-qualified aliens not illegal immigrants.	Birth certificate <ul style="list-style-type: none"> • Certificate of Citizenship (N- 560, N-561 or N-600) • Naturalization certificate (N-550) (N-570) • Report of Birth Abroad of U.S. Citizen (Form FS-240, FS 545, DS 1350) • U.S. Citizen I.D. card (I-197) • U.S. Passport • Consular report of birth • American Indian card (I-872), first issued by INS, now known as the United States Citizenship and Immigration Services (USCIS) in 1983 • Northern Mariana Primary I.D. card (I-873), issued prior to 1986 and to applicants born prior to 11/3/86 by INS • Social Security Number (SSN) issued prior to 6/30/48 Picture ID	No impact. Service is already restricted to the extent required and permitted by federal law.
Manassas City Funding	Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) also known as the Welfare Reform Act. Term used by HUD is qualified and non-qualified aliens not illegal immigrants..	Birth certificate <ul style="list-style-type: none"> • Certificate of Citizenship (N- 560, N-561 or N-600) • Naturalization certificate (N-550) (N-570) • Report of Birth Abroad of U.S. Citizen (Form FS-240, FS 545, DS 1350) • U.S. Citizen I.D. card (I-197) • U.S. Passport • Consular report of birth • American Indian card (I-872), first 	No impact. Service is already restricted to the extent required and permitted by federal law.

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
		issued by INS, now known as the United States Citizenship and Immigration Services (USCIS) in 1983 <ul style="list-style-type: none"> • Northern Mariana Primary I.D. card (I-873), issued prior to 1986 and to applicants born prior to 11/3/86 by INS • Social Security Number (SSN) issued prior to 6/30/48 Picture ID	
Emergency Shelter Grant (ESG)	Same as CDBG Competative Funding Pool	N/A	No impact. Service is already restricted to the extent required and permitted by federal law.

Illegal Immigration Analysis

Agency Name: Office of Housing and Community Development

Division Name: Housing Finance and Development

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
<p>Homeownership Assistance Loans Provided through federal HOME Investment Partnerships Program Funding.</p>	<p>Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) also known as the Welfare Reform Act</p> <p>Term used by HUD is qualified and non-qualified aliens not illegal immigrants.</p>	<ul style="list-style-type: none"> •All individuals, persons, families and/or household members must be U.S. Citizens, U.S. non-citizen nationals, or qualified alien legally admitted to the U.S. with valid USCIS documents •U.S. issued Birth Certificate • Certificate of Citizenship (N- 560, N-561 or N-600) • Naturalization certificate (N-550) (N-570) • Report of Birth Abroad of U.S. Citizen (Form FS-240, FS 545, DS 1350) • U.S. Citizen I.D. card (I-197) • U.S. Passport • Consular report of birth • American Indian card (I-872), first issued by INS, now known as the United States Citizenship and Immigration Services (USCIS) in 1983 • Northern Mariana Primary I.D. card (I-873), issued prior to 1986 and to applicants born prior to 11/3/86 by INS • Social Security Number (SSN) issued prior to 6/30/48 Picture ID 	<p>No impact, service already restricted.</p>
<p>Manassas City/ Manassas Housing Trust Fund Loans HFD Manager must monitor for compliance with HOME regulations.</p>	<p>Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) also known as the Welfare Reform Act.</p> <p>Term used by HUD is qualified and non-qualified aliens not illegal immigrants.</p>	<ul style="list-style-type: none"> •All individuals, persons, families and/or household members must be U.S. Citizens, U.S. non-citizen nationals, or qualified alien legally admitted to the U.S. with valid USCIS documents •U.S. issued Birth Certificate• U.S. issued Birth certificate 	<p>No impact, service already restricted.</p>

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
		<ul style="list-style-type: none"> • Certificate of Citizenship (N- 560, N-561 or N-600) • Naturalization certificate (N-550) (N-570) • Report of Birth Abroad of U.S. Citizen (Form FS-240, FS 545, DS 1350) • U.S. Citizen I.D. card (I-197) • U.S. Passport • Consular report of birth • American Indian card (I-872), first issued by INS, now known as the United States Citizenship and Immigration Services (USCIS) in 1983 • Northern Mariana Primary I.D. card (I-873), issued prior to 1986 and to applicants born prior to 11/3/86 by INS • Social Security Number (SSN) issued prior to 6/30/48 Picture ID 	
<p>City of Manassas Park HOME funded owner occupied housing rehabilitation loans. HFD Manager must monitor for compliance with HOME regulations.</p>	<p>Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) also known as the Welfare Reform Act.</p> <p>Term used by HUD is qualified and non-qualified aliens not illegal immigrants.</p>	<ul style="list-style-type: none"> •All individuals, persons, families and/or household members must be U.S. Citizens, U.S. non-citizen nationals, or qualified alien legally admitted to the U.S. with valid USCIS documents •U.S. issued Birth Certificate• U.S. issued Birth certificate • Certificate of Citizenship (N- 560, N-561 or N-600) • Naturalization certificate (N-550) (N-570) • Report of Birth Abroad of U.S. Citizen (Form FS-240, FS 545, DS 1350) • U.S. Citizen I.D. card (I-197) • U.S. Passport 	<p>No impact, service already restricted.</p>

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
		<ul style="list-style-type: none"> • Consular report of birth • American Indian card (I-872), first issued by INS, now known as the United States Citizenship and Immigration Services (USCIS) in 1983 • Northern Mariana Primary I.D. card (I-873), issued prior to 1986 and to applicants born prior to 11/3/86 by INS • Social Security Number (SSN) issued prior to 6/30/48 Picture ID 	
<p>Community Housing Development Organization (CHDO) funding to certified non-profit organizations from federal HOME Investment Partnerships Program set-aside funding.</p>	<p>N/A</p>	<p>N/A</p>	<p>Non-Profit charitable organizations are exempt from verifying an applicants' status.</p>
<p>Dawson Beach Transitional Housing under Housing Finance and Development in OHCD.</p>	<p>Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) also known as the Welfare Reform Act.</p> <p>Term used by HUD is qualified and non-qualified aliens not illegal immigrants..</p>	<ul style="list-style-type: none"> • Birth certificate • Certificate of Citizenship (N- 560, N-561 or N-600) • Naturalization certificate (N-550) (N-570) • Report of Birth Abroad of U.S. Citizen (Form FS-240, FS 545, DS 1350) • U.S. Citizen I.D. card (I-197• U.S. Passport • Consular report of birth • American Indian card (I-872), first issued by INS, now known as the United States Citizenship and Immigration Services (USCIS) in 1983 • Northern Mariana Primary I.D. card (I-873), issued prior to 1986 and to applicants born prior to 11/3/86 by 	<p>No impact, service is already restricted.</p>

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
		INS <ul style="list-style-type: none"> • Social Security Number (SSN) issued prior to 6/30/48 Picture ID	

Illegal Immigration Analysis

Agency Name: Office of Housing and Community Development

Division Name:

Rental Assistance

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
<p>Section 8 Housing Choice Voucher (HCV) and HOPWA Programs</p>	<p>OHCD Section 8 Administrative Plan and the Code of Federal regulation/PIH notices governing the HCV program</p> <p>Section 404 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193 requires Federal and State entities, at least four times annually, to notify ICE of any alien the entity "knows" is not lawfully present in the U.S. The agency "knows" of illegal status only when the unlawful presence is a finding of fact or conclusion of law that is made by the entity as part of a formal determination that is subject to administrative review on an alien's claim for any of the statutorily specified programs. In addition, that the finding or conclusion of unlawful presence must be supported by a determination by the Service or the Executive Office of Immigration Review, such as a Final Order of Deportation.</p> <p>These provisions firmly establish that the only finding of illegal status the Office of Housing and Community Development can rely on in performing its reporting functions is one made or specifically reviewed and approved by federal authorities.</p>	<ul style="list-style-type: none"> ■ Birth certificate ■ Certificate of Citizenship (N- 560, N-561 or N-600) ■ Naturalization certificate (N-550) (N-570) ■ Report of Birth Abroad of U.S. Citizen (Form FS-240, FS 545, DS 1350) ■ U.S. Citizen I.D. card (I-197) ■ U.S. Passport ■ Consular report of birth ■ American Indian card (I-872), first issued by INS, now known as the United States Citizenship and Immigration Services (USCIS) in 1983 ■ Northern Mariana Primary I.D. card (I-873), issued prior to 1986 and to applicants born prior to 11/3/86 by INS <p>DECLARATION: A verification form: For each adult, the form must be signed by the adult. For each child, the form must be signed by an adult member of the family residing in the unit who is responsible for the child. The verification form must state that evidence of eligible immigration status may be released by the PHA to HUD and the INS without responsibility for the future use or transmission of the evidence by the recipient. The form must also notify the signer of the possible release of evidence of eligible immigration status by HUD. Such evidence shall only be released by HUD to the INS for the purpose of establishing eligibility for financial assistance.</p> <p>AND: INS Primary Verification of eligible immigration status must be conducted by the PHA through the</p>	<p>No impact. HUD currently has policies limiting this service to non-citizens.</p> <p>The Housing Choice Voucher program verifies applicant/participant immigration status via the Systematic Alien Verification for Entitlements (SAVE) system; responses showing no Service record on an individual or an immigration status making the individual ineligible for service is not a finding of fact or conclusion of law that the individual is not lawfully present. Therefore, HUD allows an ineligible family member to reside in a household where there is at least one eligiblily admitted member in the household. HUD will not, however, subsidize the ineligible family member. HUD calls this a "Mixed Family." The family's rental assistance is prorated based on the number of eligible family members. HUD already requires Housing Agencies to report a Mixed Family's information as part of its normal monthly reporting requirements.</p>

Illegal Immigration Analysis

INS automated SAVE system. If this method fails to verify status, or, if the verification received indicates ineligible immigration status, the PHA must request Secondary INS Verification within 10 days by sending to the local INS Office photocopies of INS documents receiving (front and back) attached to Form G-845S Document Verification Request.

AND:

The PHA must request and review an original INS document of eligible immigration status and must retain photocopies and return the original to the individual.

Acceptable INS Documents:

- Form I-551 Alien Registration Receipt Card (for permanent resident aliens)
- Form I-94 Arrival-Departure Record annotated with one of the following:
 - "Admitted as a Refugee Pursuant to Section 207"
 - "Section 208" or "Asylum"
 - "Section 243(h)" or "Deportation stayed by Attorney General"
 - "Paroled Pursuant to Section 221 (d)(5) of the INS"
- Form I-94 Arrival-Departure Record with no annotation accompanied by:
 - A final court decision granting asylum (but only if no appeal is taken);
 - A letter from an INS asylum officer granting asylum (if application is filed on or after 10/1/90) or from an INS district director granting asylum (application filed before 10/1/90);
 - A court decision granting withholding of deportation; or
 - A letter from an asylum officer granting withholding or deportation (if application filed on or after 10/1/90).
- Form I-688 Temporary Resident Card annotated

Illegal Immigration Analysis

		<p>"Section 245A" or Section 210".</p> <ul style="list-style-type: none">■ Form I-688B Employment Authorization Card annotates "Provision of Law 274a. 12(11)" or "Provision of Law 274a.12".■ A receipt issued by the INS indicating that an application for issuance of a replacement document in one of the above listed categories has been made and the applicant's entitlement to the document has been verified; or■ Other acceptable evidence. If other documents are determined by the INS to constitute acceptable evidence of eligible immigration status, they will be announced by notice published in the Federal Register.	
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Illegal Immigration Analysis

Agency Name: Park Authority

Division Name: _____

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
<p>Indoor Recreation Centers</p> <ul style="list-style-type: none"> ▪ Registration process for programs ▪ Facility rentals ▪ Camps/playschools/nursery ▪ Walk-in programs ▪ Open gym time 	<p>These services are authorized by law, but not required. There is no express authority in the Code of Virginia to limit them based on legal status, so the Dillon Rule may be implicated.</p> <p>If a restriction were challenged on Equal Protection grounds, we expect a court to require the County to demonstrate a rational relationship between the restriction and the furtherance of a legitimate government objective.</p>	<p>N/A</p>	<ul style="list-style-type: none"> ▪ A user ID would have to be assigned to all center/program users in person at the centers. All families would have to come into a center to verify legal status and then each member of the family would be noted as legal and an on-line pass number would be assigned. The family could then use the on-line or phone or mail registration system. Otherwise all registrations would be in person at the centers for each and every use. Currently about 15% of the registrations are done by customers through the on-line system. A much greater percentage is done through the mail or phone. This process would put a great strain on the center front desk staff and would develop long delays in the check in process. ▪ Registration and Check-in at all facilities would slow down significantly because of the need to check immigration status. Currently users present a season pass or pay cash for daily admission. The Park Authority discontinued requiring proof of residency years ago due to customer complaints and price admission to accommodate one category of user easily, quickly and with speed of transaction a

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
			<p>primary driver based on user feedback. Net effect: loss of revenue, increased cost of doing business.</p> <p>Changes to the software system to create and maintain a filing system for legal status for each family member would be required.</p>
Sports Leagues and Tournaments	See above.		<ul style="list-style-type: none"> ▪ Volunteer league reps would have to certify the legal status of participants before each outdoor sporting event, or provide picture ID's for all players verified by staff prior to game commencement. ▪ Loss of tourism revenue to the County because of cancellation of tournaments due to logistics of verifying immigration status for each out-of-county and out-of-state player. Net effect: loss of revenue. ▪ There may be less use of the fields so the turf would be in better condition <p>Research has shown that “increased leisure and recreation opportunities can help alleviate many of the adverse environmental and social conditions which often put young people “at risk” and prevent the later onset of dangerous or unhealthy behavior.” For this reason, it is desirable not to limit access to recreation and sports activities for youth.</p>

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
Swimming Pools, Water parks, and Golf Courses	See above.		<ul style="list-style-type: none"> ▪ It is impractical to verify immigration status at the entrance to these facilities. Doing roving spot checks could be a possibility. The majority of visitors to pools are under 16 and many Waterpark and golf course customers are from outside of the County. In addition many local businesses (i.e. childcare providers, churches, etc) use these facilities and would not have verification documents for all the children in their group at time of arrival. Many groups do not pre-register for Waterpark admission, and would be turned away at the gate. Net effect: loss of revenue, increased cost of doing business. In fact, since the resolution was passed on July 10th the attendance at our community pools in areas with a high immigration population has decreased. The revenue for July and August , 2007 is 12% less than the revenue for July and august, 2006 despite a small increase in the admission fee.
Passive Use of Parks; playground use; Farmers Market	See above.		<ul style="list-style-type: none"> ▪ It is impractical to verify immigration status at these facilities. For passive use people are not currently checked. Parks would have to be completely fenced in with controlled access points. Doing roving spot checks could be a possibility. Access to areas would have to have Gatekeepers at all parks to

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
Batting cages, driving range, boating, mini-golf, skateboard park, BMX facility, in line skating, fishing, special events	See above.		capture passive use year round during operating hours (50+ parks would be impacted) <ul style="list-style-type: none"> ▪ It is impractical to verify immigration status at these facilities. The majority of the visitors are under 16 and do not carry identification
Potomac Nationals; Skatequest; Freedom Center	Current agreements with operators at these facilities do not require them to verify legal status before allowing patrons admittance. If the agreements were amended, the same analysis would be applied by a court to the restriction under the agreement as would be applied if the Park Authority imposed the restriction outright as the facility operator.		<ul style="list-style-type: none"> ▪ Effects on Potomac Nationals/Freedom Center and other contractors and requirement to check verification. facility/team. Net effect: loss of revenue
Park Rangers	These employees do not have arrest or the broad investigatory powers of law enforcement officers.		<ul style="list-style-type: none"> ▪ This group would be tasked with asking for legal document from persons using the parks and fields. It would be a burden on the staff and could create some hostile situations that the Rangers are not equipped to handle.
Support and Administration functions <ul style="list-style-type: none"> ▪ Fleet Maintenance ▪ Facility Maintenance ▪ Grounds Maintenance ▪ Financial Management ▪ Human Resources ▪ Information Technology ▪ Risk Management 	This service supports employees in performing their work functions. Therefore, the legal issues that arise when considering whether to restrict based on legal status are not implicated by this service		<ul style="list-style-type: none"> ▪ These function are conducted for the Park Authority Board, Park Authority staff and the community as a whole and not for the benefit of any one individual or group of individuals.

Illegal Immigration Analysis

Agency Name: Planning Office

Division Name: Office of the Director/Office Mgmt.

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
<p>(8) Fiscal Management – Coordinates budgeted revenues, expenditures, accounting, contracting and purchasing activities with the Office of Executive Management and the Finance Department. Processes vendor payments, refunds and deposits associated with zoning permits and development fees. Manages all activities associated with the receipt of development fees and miscellaneous fees for provided services.</p>	<p>This service supports the County’s development regulation effort in general, and supports County employees in their work functions. Therefore, the legal issues that arise when considering whether to limit a public service to private individuals based on immigration status are not implicated with respect to this service.</p>	<p>Not Applicable</p>	<p><u>Regulatory</u> – Accounting/billing protocols require payment for services and/or development fees irrespective of client status.</p> <p>Activities are conducted for the benefit of the county as a whole to ensure that we are managing citizen’s money in an effective and efficient way.</p>
<p>(9) Records Management – Responds to requests for land development documents and records associated with site plans, rezoning, special use and permitting files. These requests come from development and legal representatives, citizens, and county agencies.</p>	<p>The Virginia Freedom of Information Act (FOIA) guarantees access to public records to residents of the Commonwealth. The County lacks legal authority at this point to interpret FOIA to limit access to public records to illegal aliens who reside in the Commonwealth. To the extent that this service is required by FOIA, a restriction based on legal status would be open to challenge.</p>	<p>Not Applicable</p>	<p>Records are copied and/or pulled as requested by individuals or groups; mostly inter-departmental or intra-departmental directed.</p>
<p>(10) Leadership & Management – This activity provides management oversight for the Planning Office; establishes and manages department goals, objectives and activities, and tracks and responds to requests for information from citizens, the development industry, and county agencies.</p>	<p>This service supports the County’s development regulation effort in general, and supports County employees in the performance of their work function. Therefore, the legal issues that arise when considering whether to limit a public service to private individuals based on immigration status are not implicated with respect to this service.</p>	<p>Not Applicable</p>	<p>Provided for the benefit of the community as a whole and not for any one individual or group of individuals.</p>

Illegal Immigration Analysis

Agency Name: Planning Office

Division Name: Long Range Planning

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
<p>(5) Current Planning - Reviews and provides case management services for rezoning and special use permit applications from the initial application acceptance to preparing recommendations to the Planning Commission and final action by the Board of County Supervisors..</p>	<p>Authority to regulate subdivision, zoning and development of land – §15.2-2200 et seq., VA Code Ann. Those provisions do not contain express authorization to restrict development rights based on immigration status, so the Dillon Rule may have some application. Ownership of property specifically permitted to “non-enemy aliens” to the same extent as ownership rights are enjoyed by citizens -- §55-1, VA Code Ann. Denial of development rights could be challenged under the U.S. Constitution and Virginia law</p>	<p>Not Applicable</p>	<p>Legal: Strong potential for legal challenge with restriction.</p>
<p>(6) Comprehensive Plan Maintenance and Update – Reviews and provides case management services for comprehensive plan amendment requests to the Board of County Supervisors and processes administrative and formal public facility reviews.</p>	<p>See above.</p>	<p>Not Applicable</p>	<p>Legal: Strong potential for legal challenge with restriction. The legally-required update of the Comprehensive Plan is conducted to benefit the community as a whole and not for the benefit of any one individual.</p>
<p>(7) Special Projects – Reviews and provides case management for planning studies, zoning text amendments, and special projects related to tourism, economic development, beautification and other planning/program projects as identified by the Board of County Supervisors.</p>	<p>Since this service is provided to the Board/County rather than to individuals, the legal issues that arise when restricting services to individuals are not implicated.</p>		<p>Legal: Strong potential for legal challenge with restriction. These special projects are done at the direction of the Board of County Supervisors and are conducted to benefit the community as a whole and not for the benefit of individual property owners.</p>

Illegal Immigration Analysis

Agency Name: Planning Office

Division Name: Development Services

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
<p>(1) Site and Subdivision Plans - Reviews and provides case management services for commercial (site) and residential (subdivision) plans, including preliminary plans, sketch plans, final plans, plan revisions, minor, administrative, and simple subdivision plans and correspondindg studies</p>	<p>Authority to regulate subdivision, zoning and development of land – §15.2-2200 et seq., VA Code Ann. Those provisions do not contain express authorization to restrict development rights based on immigration status, so the Dillon Rule may have some application. Ownership of property specifically permitted to “non-enemy aliens” to the same extent as ownership rights are enjoyed by citizens -- §55-1, VA Code Ann. Denial of development rights could be challenged under the U.S. Constitution and Virginia law.</p>	<p>N/A</p>	<p>Legal: Strong potential for legal challenge with restriction.</p>
<p>(2) Site Development Permits & Bonds/Escrow Management – Reviews and issues land development permits; ensures posting of bonds and escrows; responds to requests for extensions and reductions, and ensures that all development requirements have been met prior to releasing bonds and escrows. This activity also accepts and releases new building lot escrows.</p>	<p>See above.</p>	<p>N/A.</p>	<p>Legal: Strong potential for legal challenge with restriction.</p>

Illegal Immigration Analysis

Agency Name: Planning Office

Division Name: Zoning Administration

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
<p>(3) Customer Service/Zoning Permits – Operates the zoning counter and processes zoning permits, including home occupancy permits, temporary commercial permits, sign permits, and providing zoning or building permit assistance to small businesses.</p>	<p>Authority to regulate subdivision, zoning and development of land – §15.2-2200 et seq., VA Code Ann. Those provisions do not contain express authorization to restrict development rights based on immigration status, so the Dillon Rule may have some application. Ownership of property specifically permitted to “non-enemy aliens” to the same extent as ownership rights are enjoyed by citizens -- §55-1, VA Code Ann. Denial of development rights could be challenged under the U.S. Constitution and Virginia law</p>	<p>Not Applicable.</p>	<p>Legal: Strong potential for legal challenge with restriction.</p>
<p>(4) Zoning Administration – Administers the county’s zoning ordinance by processing appeals and variances to the Board of Zoning Appeals. It also assists with preparing zoning text amendments and responds to zoning and proffer verification requests.</p>	<p>See above.</p>	<p>Not Applicable.</p>	<p>Legal: Strong potential for legal challenge with restriction</p>

Illegal Immigration Analysis

Agency Name: Public Works

Division Name: Building Development

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
<p>Plan Review</p> <p>Permits</p> <p>Inspections</p> <p>Code Enforcement</p>	<p>§36-98 provides the Uniform Statewide Building Code, which is the main provision enforced by these services, takes precedence over local ordinances. That Code operates on structures and land, regardless of the legal status of the owner. The USBC does not expressly authorize differential enforcement based on legal status, so the Dillon Rule may have some application. Ownership of property specifically permitted to “non-enemy aliens” to the same extent ownership rights are enjoyed by citizens -- §55-1, VA Code Ann. Denial of services under the USBC or other applicable building codes likely offends the U.S. Constitution and Virginia law.</p>	<p>N/A</p>	<p>Legal: Strong potential for legal challenge with restriction. Practical: Without restriction, thorough application and enforcement of building regulations with respect to all structures, regardless of ownership, benefits the entire community.</p>

Illegal Immigration Analysis

Agency Name: Public Works

Division Name: Buildings & Grounds

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
Third Party Facility Use	<p>At this point, there are no laws requiring the County to make its facilities available for use by third parties. The County requires that a responsible person be identified with a third party group as the contact. A regulation or policy requiring that a person serving as the contact for an event be legally present is, we believe, defensible.</p> <p>However, the County does not have authority to distinguish among groups that can have access based on the purpose of the group, as long as the meeting is peaceable. Therefore, a regulation or policy that tells an otherwise eligible contact person that he or she must limit attendance at the private function to those legally present could be challenged under the First Amendment.</p>	N/A	<p>If the County were to require that every applicant or contact person for a third party event is legally present, this would have an impact on the application process, but it would not be significant.</p> <p>If, however, the County were to require that <i>every person</i> attending a private event in a County facility is legally present, in addition to the possible legal challenge, there are significant practical problems. Most private functions occur during non-business hours. It would be very difficult, as well as costly, for County employees to verify that every person is legal that attends an event where a third party has rented or has reserved the facility.</p>
Building Maintenance	N/A	N/A	Program serves County employees and the community as a whole not any one individual or group of individuals.
Custodial Services	N/A	N/A	Program serves County employees and the community as a whole not any one individual or group of individuals.
Print Shop	N/A	N/A	Program serves County employees
Grounds Maintenance	N/A	N/A	Program serves County employees and the community as a whole not any one individual or group of individuals.

Illegal Immigration Analysis

Agency Name: Public Works

Division Name: Environmental Services

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
Street name signs	Since this service is provided to the Board/County rather than to individuals, the legal issues that arise when restricting services to individuals are not implicated.	N/A	Street name signs are installed to protect the safety of the community at large. This service is not performed for any one individual and therefore the use of street name signs can't practically be restricted to one individual or group of individuals.
Drainage assistance	See above.	N/A	Drainage assistance is performed to protect property and the safety of the community at large. This service is not performed for any one individual and therefore the use of drainage assistance can't practically be restricted to one individual or group of individuals.
Mosquito control	To the extent this work is funded through a service district levy on all properties in the district, and aliens are permitted to own property under §55-1, VA Code Ann., a restriction that would deny a property owner a service for which he is being specifically taxed would likely offend the U.S. Constitution and Virginia law.	N/A	Mosquito control is performed to protect the safety of the community at large. This service is not performed for any one individual and therefore the treatment for Mosquito control can't practically be restricted to one individual or group of individuals.
Gypsy moth control	To the extent this work is funded through a service district levy on all properties in the district, and aliens are permitted to own property under §55-1, VA Code Ann., a restriction that would deny a property owner a service for which he is being specifically taxed would likely offend the U.S. Constitution and Virginia law	N/A	Gypsy Moth control are performed to protect the safety of the community at large. This service is not performed for any one individual and therefore the treatment for Gypsy Moth control can't practically be restricted to one individual or group of individuals.

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
Development deficiencies complaints	Since this service is provided to the Board/County rather than to individuals, the legal issues that arise when restricting services to individuals are not implicated.	N/A	The correction of development deficiencies is performed to protect the safety of the community at large. This service is not performed for any one individual and therefore the correction of development deficiencies can't practically be restricted to one individual or group of individuals.

Illegal Immigration Analysis

Agency Name: Public Works **Division Name:** Facilities Construction Management

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
Construction of County CIP Facilities	N/A	N/A	Services are performed for County employees, all of whom are legal or for the benefit of the community as a whole and not for the benefit of any one individual or group of individuals.

Illegal Immigration Analysis

Agency Name: Public Works **Division Name:** Fleet Management

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
Managing the County fleet	N/A	N/A	This is an internal service provided to support County employees in their work effort. To the extent it can be said to benefit individual employees, all County employees are legal residents; thus, this service is not provided to illegal immigrants.

Illegal Immigration Analysis

Agency Name: Public Works **Division Name:** Historic Preservation

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
Programs at historic sites	<p>Children: a decision to restrict access for illegal immigrant school children, particularly if they are visiting as part of a class or to fulfill an assignment, is open to challenge under the holding of Plyler v. Doe, 457 U.S. 202 (1982).</p> <p>Adults: Restricting services to adults based on immigration status does not present the same challenges, as a legal matter.</p>	None	<p>Determining legal status at historic sites before entrance would be impractical as we anticipate people from all over the region, the Country and international visitors wanting to visit PWC historic sites.</p> <p>It could cause inconvenience to those waiting to enter and impact our tourism program. If legal status were asked for, it could lead to fewer attending and potential revenue impact.</p> <p>Practical difficulties if some members of a family who come to visit, such as parents, are illegal, and children are legal or citizens.</p>
Attendance at historic sites	See above.	None	<p>Determining legal status at historic sites before entrance would be impractical as we anticipate people from all over the region, the Country and international visitors wanting to visit PWC historic sites.</p> <p>It could cause inconvenience to those waiting to enter and impact our tourism program. If legal status were asked for, it could lead to fewer attending and potential revenue impact. It has always been anticipated that the restoration of these historic sites would be an educational opportunity for PWC students.</p> <p>Practical difficulties if some members of a family who come to visit, such as parents, are illegal, and children are legal or citizens.</p>

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
Rentals at historic sites	<p>At this point, there are no laws requiring the County to make its facilities available for use by third parties. The County requires that a responsible person be identified with a third party group as the contact. A regulation or policy requiring that a person serving as the contact for an event be legally present is, we believe, defensible.</p> <p>However, the County does not have authority to distinguish among groups that can have access based on the purpose of the group, as long as the meeting is peaceable. Therefore, a regulation or policy that tells an otherwise eligible contact person that he or she must limit attendance at the private function to those legally present could be challenged under the First Amendment</p>	None	<p>Legal: Potential for legal challenge with restriction of attendees at private functions.</p> <p>Practical: Potentially less revenue for rentals.</p>

Illegal Immigration Analysis

Agency Name: Public Works

Division Name: Neighborhood Services

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
<p>Property Code Enforcement:</p> <p>Zoning & Building Maintenance</p> <p>Spot Blight</p> <p>Popsicle Signs</p>	<p>n/a</p>	<p>n/a</p>	<p>This is a regulatory function. Ensuring compliance with zoning and property maintenance codes is primarily done to benefit the community at large and secondarily for the complainant. The annual citizen satisfaction survey indicates the level of satisfaction with the progress the county is making in preventing deterioration of neighborhoods.</p> <p>NS is a complaint based agency and complaints are taken via email, phone, fax and walk-in. PCE cases have a required first inspection within 7 days after receiving a complaint; this would be severely impacted if staff had to verify the status of complainants. Since many PCE complainants are regular customers, it may be necessary to develop a database for those who have already provided verification, which will add administrative costs to the program. Most complaints are currently filed through email and phone. Verifying legal status would require complainants to come to the office at least once to show proof of status before their complaint can be registered. No anonymous complaints would be able to be accepted.</p> <p>When investigating complaints, PCE inspectors are trained to develop rapport with property owners to allow</p>

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
			<p>property inspections and achieve voluntary compliance. If inspectors are required to verify owner status as part of the code enforcement activity, many residents may not cooperate or grant access for inspections, and voluntary compliance could plummet. Access to properties will likely be restricted to what can be seen from public rights of way and from neighboring properties, thereby limiting the effectiveness of the program and reducing citizen satisfaction with the services provided.</p> <p>In addition, there are employee safety concerns. The inspectors do their work in the field and their workplace could become far more hazardous than it is now. The PCE inspectors are unarmed and do not have legal authority to demand identification. Requiring identification or proof of legal status is difficult and likely to escalate situations that already require a great deal of tact and superior communication skills. Employee satisfaction could decline and it is expected that it will be harder to fill vacancies.</p>
Neighborhood Coordination	n/a	n/a	<p>If consistent and timely results cannot be achieved with code enforcement, NS will have diminished credibility in convincing residents to take a more active role in improving and maintaining their neighborhoods.</p>

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
			<p>Staff attends neighborhood and community meetings and regularly participates in community events. It would be necessary to have staff check the legal status of all persons attending the meeting. This would require additional staff training as well as extending staff time needed to attend the meeting and perform the verifications.</p> <p>Mailings are currently sent to all homes in designated neighborhoods. Staff cannot go door to door to verify the legal status of all residents in a particular neighborhood.</p> <p>There are a number of publications available in both English and Spanish that serve our educational needs in terms of ensuring that the County's codes are complied with. In addition, there are persons who are legally present who speak and read Spanish. If staff is required to ensure that services be provided only to legal aliens and citizens, the added administrative time and the lack of educational outreach will significantly impact citizen satisfaction.</p>
Litter Control and Landscaping	n/a	n/a	<p>The litter control program benefits the community at large, not just the complainants. If trash is not collected, there could be potential health and safety issues. The litter control program takes complaints via email, phone, fax and walk-in. Verifying legal status would require complainants to come in to the office to show proof of residency, and a</p>

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
			<p>database of verified complainants would have to be created and maintained.</p> <p>Most complaints are resolved in one day; this would be severely impacted if the status of complainants had to be verified. Since many litter complainants are regular customers, it may be necessary to develop a database for those who have already provided verification, which will add administrative costs to the program.</p>

Illegal Immigration Analysis

Agency Name: Public Works **Division Name:** Property Management Division

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
Monthly warehouse sale.	None. The sale is open to the general public.	N/A	Potential reduced profit.

Illegal Immigration Analysis

Agency Name: Public Works

Division Name: Solid Waste

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
<p>PWC Landfill:</p> <ul style="list-style-type: none"> - Recycling (Subcontracted to SP Recycling) - Household Hazzardous Waste - Electronics Recycling - Tires recycling - Too Good To Waste Place 	<p>If a rational relationship can be demonstrated between restricting the use of the landfill by illegal immigrants and a legitimate government purpose, it is possible that a restriction of this service to those legally present can be successfully defended.</p>		<p>Residents of PWC are identified by vehicle decals that are visible from a distance and vehicles are allowed to pass through the sentry point causing minimal delays. Outside county vehicles pay a fee.</p> <p>Checking for immigration status will cause traffic back-ups and require more staff. The PWC Landfill is just off Route 234/Dumfries Road and any backups will cause a problem on this highway. Recently, the BOCS decided not to eliminate the decal for just this reason - the inconvenience and safety of customers caused by requiring identification at the entrance. There is the possibility that people will stop using the landfill because of the lines.</p> <p>Trash created by citizens of PWC and collected by private haulers needs to be properly disposed of so as not to cause a health or environmental hazzrd.</p> <p>Restricting services to illegal immigrants will likely increase illegal dumping. Illegal trash disposal and littering will impact other County services like Property Code, Neighborhood Services, Police, etc.</p> <p>The same applies to recycling which will also have environmental impacts.</p>

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
PWC Yard Waste Composting Facility at Balls Ford Road	See above.		Same as landfill
Weekly Collection Sites	See above.		Same as landfill
Recycling Trailers	See above.		These trailers are not supervised and it is not always possible to monitor who uses them for recycling. It would be costly and impractical to add staff to monitor these sites.

Illegal Immigration Analysis

Agency Name: Department of Transportation

Division Name: Administration

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
Provide Customer Information - walk-ins and phone calls regarding other transportation services or projects.	The Virginia Freedom of Information Act (FOIA) guarantees access to public records to residents of the Commonwealth. The County lacks legal authority at this point to interpret FOIA to limit access to public records to illegal aliens who reside in the Commonwealth. To the extent this service is required by FOIA, a restriction based on legal status would be open to challenge.	N/A	Legal: Strong potential for legal challenge to a restriction.
Set up appointments to meet w/staff	If the appointments requested are by property owners wishing to discuss pending development applications, and denial of an appointment precludes the issuance of a permit or other approval the owner would otherwise be entitled to under applicable development regulations, then any decision to refuse this service would be open to challenge under the U.S. Constitution and Virginia law..	N/A	Legal: Strong potential for legal challenge to a restriction, if the service is generally provided to others and service denial significantly impacts rights to develop property. Practical: Prolonging service from being rendered
Receive plans that are dropped off and distribute to appropriate staff	See above, if a decision not to receive and distribute plans that are dropped off for review results in the property owner being denied approval that he or she is otherwise entitled to under applicable development regulations.	N/A	Legal: Strong potential for legal challenge to a restriction, if the service is generally provided to others and service denial significantly impacts rights to develop property. Practical: Project specific information may not arrive at destination.
Notary Public - Public Notaries assist anyone who walks in requesting something be notarized. Items are business and non-business related. Service is provided indiscriminate of citizenship.	Not a service mandated by any law.	N/A	Customers whose citizenship could not be verified would go to a bank or other non-governmental entity to be notarized.

Illegal Immigration Analysis

Agency Name: Department of Transportation

Division Name: Capital Projects Division

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
<p>Road Design and Construction - the Prince William County Department of Transportation constructs roads to be included in the state road system. Upon completion, ownership is turned over to the state where they assume operation and maintenance.</p>	<p>No legal analysis necessary -- this is a priority service of the Board, provided to benefit the traveling public and the community as a whole. It is not intended to, nor can it legally be said to, provide specific benefits to private individuals which are above and beyond the benefits received by the public.</p>	<p>N/A</p>	<p>None.</p>
<p>Right-of-way acquisition - The County acquires property interests for public use, primarily for transportation projects, but for additional public projects as needed.</p>	<p>Illegal immigrants are allowed to own property to the same extent that citizens can own it, under Sec. 55-1 of the Code of Virginia. Illegal immigrants are protected by the Constitution, which prohibits the taking of private property for public use without the payment of just compensation.</p>	<p>N/A</p>	<p>The County should not refuse to acquire property needed for a road project on the basis that it is owned by an illegal immigrant. If the County needs property owned by an illegal immigrant, the County must comply with all legal requirements for acquiring that property that apply to the acquisition of property owned by citizens.</p>
<p>Street Lighting - PWC Department of Transportation works with Supervisors to install new street lights throughout the County. Additionally, DOT processes payments for electric service to all County street lights. Many requests come from County residents, without verification of citizenship.</p>	<p>No legal analysis necessary -- this is a priority service of the Board, provided to benefit the traveling public and the community as a whole. It is not intended to, nor can it legally be said to, provide specific benefits to private individuals which are above and beyond the benefits received by the public.</p>	<p>N/A</p>	<p>Street Lights are provided for the health and safety of the community as a whole and not to benefit one individual or group of individuals.</p>

Illegal Immigration Analysis

Agency Name: Department of Transportation **Division Name:** Transportation Planning Div. Inspections

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
Transportation Engineering Inspections, Regulatory	<p>Authority to regulate subdivision, zoning and development of land – §15.2-2200 et seq., VA Code Ann. Those provisions do not contain express authorization to restrict development rights based on immigration status, so the Dillon Rule may have some application. Ownership of property specifically permitted to “non-enemy aliens” to the same extent as ownership rights are enjoyed by citizens -- §55-1, VA Code Ann. Denial of development rights, through refusal of road inspections necessary to begin, continue, and end development would likely offend the U.S. Constitution and Virginia law</p>	N/A	Legal: Strong potential for legal challenge to a restriction.

Illegal Immigration Analysis

Agency Name: Department of Transportation **Division Name:** Transportation Planning Div. - Plan Review

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
Site Plan Review	<p>Authority to regulate subdivision, zoning and development of land – §15.2-2200 et seq., VA Code Ann. Those provisions do not contain express authorization to restrict development rights based on immigration status, so the Dillon Rule may have some application. Ownership of property specifically permitted to “non-enemy aliens” to the same extent as ownership rights are enjoyed by citizens -- §55-1, VA Code Ann. Denial of development rights would likely offend the U.S. Constitution and Virginia law</p>	N/A	Legal: Strong potential for a legal challenge if service is restricted based on immigration status.
Subdivision Plan Review	See above.	N/A	See above.
DCSM Waiver Review	See above.	N/A	See above.
Rezoning Application Review	See above.	N/A	See above.
Special Use Permit Review	See above.	N/A	See above.
Provide Model Information	<p>To the extent owners rely on this service to complete applications for rezoning or other development approval, denial of this service would be subject to the same legal challenges set forth above.</p>	N/A	See above.
Provide General Transportation Information	<p>The Virginia Freedom of Information Act (FOIA) guarantees access to public records to residents of the Commonwealth. The County lacks legal authority at this point to interpret FOIA to limit access to public records to illegal aliens who reside in the Commonwealth. To the extent this service is required by FOIA, a restriction based on legal status would be open to challenge.</p>	N/A	See above.

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
Meet with Applicants and Staff	<p>This service is not mandated by any provision of state law. However, it is extremely useful to both property owners and staff in assuring that applications and resubmissions are ready for review. If the service is generally provided to all owners, a decision to restrict it for illegal immigrants could meet with a challenge under the Equal Protection Clause of the U.S. Constitution. In such a case, we would be required to show a rational relationship between denying meetings to illegal immigrant property owners and a legitimate government interest.</p>	N/A	See above.

Illegal Immigration Analysis

Agency Name: County Attorney's Office

Division Name: All

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
<p>Legal Services - providing advice to the Board of County Supervisors, boards, commissions, departments, agencies, offices and officials of the PWC government in all civil matters; defending/bringing actions where PWC is a party; prosecuting property maintenance violations; drafting ordinances/legislative proposals.</p>	<p>Legal</p>	<p>N/A</p>	<p>Legal services are provided to the government for the benefit of the community. We do not represent individuals, unless they are acting in their capacity as County officials or employees and only then to the extent that County resources are put at risk.</p>
<p>Collections - providing advice to Finance in collecting delinquent taxes and fees for PWC, via demand letters, litigation and public auction/ foreclosure, including uncollected fees to the Park Authority, Library and PRTC.</p>	<p>various</p>	<p>N/A</p>	<p>Collection services are provided for the benefit of the community at large -- not to an individual</p>
<p>Protective Services - providing advice to DSS, CSB and related agencies concerning plan development, case management and prevention services for at-risk children and families; involvement with the community and courts; litigating on behalf of PWC's human services agencies.</p>	<p>various</p>	<p>N/A</p>	<p>Representing the Department is a service provided for the benefit of the community. Any benefit to individuals that accrues is incidental to our representation of the Department</p>

Illegal Immigration Analysis

Agency Name: Finance

Division Name: Accounting

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
<p>Payments to vendors</p>	<p>County contracts require all vendors to comply with applicable federal, state and local laws. Since July, 2007, County form contracts have specifically mentioned federal immigration laws.</p> <p>W-9 required for proper vendor registration and invoice payment</p>	<p>Currently, vendors self register on the County's e-procurement website. In order to conduct business with the County, vendors must register a valid Social Security Number (SSN) or Employer Identification Number (EIN). The Finance Department Accounts Payable Office participates in the IRS' Taxpayer Identification Number (TIN) matching program that checks the validity of vendor tax identification numbers. In order for an entity to obtain a EIN, it must be located in the U.S. or U.S. Territories and the principal officer, general partner, grantor, or owner must have a valid TIN. There are however individuals that may obtain an Individual Taxpayer Identification Number (ITIN). This number is a tax processing only number available for certain nonresident and resident aliens who cannot obtain an SSN. These numbers always begin with the number "9" and are formatted like a SSN. The matching process with the IRS is currently performed on an annual basis. However, this process does not ensure that vendors with whom the County conducts business with employs only U.S. Department of Homeland Security Form I-9 eligible employees.</p>	<p>The vendor is inactivated in the County's system if the IRS matching programs identifies an invalid number. Departments/agencies are notified of the discrepancy for follow up with the vendor. Vendors whose TIN number is not ultimately matched with the IRS are removed from the County's database of eligible vendors and further payments cannot be made to that vendor.</p>

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
Payroll	This service supports County employees in performing their work functions. The County is required by federal law to ascertain legal status of its employees upon hire. Therefore, the legal issues that arise when considering whether to restrict based on legal status are not implicated by this service.	Human Resources conducts the verification Prior to hire, potential employees are required to complete the Department of Homeland Security's Form I-9 and remit to the Human Resource Office. This form verifies eligibility for employment in the U.S. ..	Payroll services are conducted for county employees, all of whom are legal.

Illegal Immigration Analysis

Agency Name: Finance

Division Name: Real Estate Assessments

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
			1) Customer Service- illegal immigrants could not qualify for real estate and personal property tax credits.
Tax Relief Program for Elderly and Disabled	PWC Code, Chapter 26 Article V	no verification	
	Code of Virginia, Section 58.1 - 3210		2) Staff would need to confirm citizenship for almost 3,000 applicants annually.
	<p>The Code of Virginia does not authorize differential application of the deferral program based on the legal status of the taxpayer.</p> <p>We do not believe the U.S. Constitution would require that illegal immigrants be given property tax relief, if Virginia law expressly authorized a restriction in the program..</p>		
Tax Exemption Program for renovated, replaced or rehabilitate Real Estate.	PWC Code, Chapter 26, Article XV		1) Customer Service - illegal immigrants could not qualify for real estate tax credits
	Code of Virginia	no verification	
	See above.		2) Staff would have to confirm citizenship for a few applicants every year.

Illegal Immigration Analysis

Agency Name: Finance

Division Name: Tax Administration

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
Tax Billing	Constution and Code of Virginia addresses local authority to tax based on the item to be taxed, such as real property, not on the legal status of the individual who owns it..	N/A	The County is not legally authorized to afford differential treatment in tax matters based on legal status of property owners.
Collection of Taxes	Code of Virginia identifies who is liable for Payment. If an illegal alien is otherwise liable for payment, he is not excused from that obligation by virtue of his illegal status..	N/A	See above.
Business License	Code of Virginia allows taxation of business activity. License is not regulatory but could be limited to legal residents. A recent Attorney General's opinion (2006 A.G. 32) supports this conclusion.	Review of appropriate documentation at time of renewal.	<p>The County will begin verifying legal status for business licenses upon renewal this March. Staff must determine the details of this as many licenses go to corporations and it would be impractical to have the heads of national corporations come to the County to renew.</p> <p>The County currently does not issue licenses or charge BPOL for companies grossing less than \$100,000. If we were to require business licenses for these companies in order to check legal status this would mean that upwards of thousands of businesses would need to now get licenses. This is an additional workload that may require additional staffing. This requirement was originally removed as part of an efficiency reengineering. The County code would also need to be changed and the County should consider a fee to cover costs of issuing licenses to these businesses.</p>

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
Vehicle Decal	Code of Virginia. Decal is proof of registration with County and ancillary to imposition of tax. Ability to withhold decal is limited to non payment of taxes.	N/A	The County lacks legal authority at this point to deny a vehicle decal to an illegal immigrant who has paid personal property tax and the decal fee.

Illegal Immigration Analysis

Agency Name: Finance

Division Name: Treasury Management

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
Revenue Projections			
Investment Management			
Economic Analysis			
Community Development Authorities	This service supports County employees in performing their work functions. Therefore, the legal issues that arise when considering whether to restrict based on legal status are not implicated by this service.	Not required	These financial services and analyses are performed for the BOCS, the County Executive and the community as a whole, not for any one individual or group of individuals.
Fiscal Impact Analysis			
County Debt Management			
Special Projects			
Note: Treasury Management activities are largely internal with little if any contact with county residents.	See above		See above

Illegal Immigration Analysis

Agency Name: Voter Registration and Elections **Division Name:** _____

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
Voter Registration	Constitution of VA, Article II states qualifications of a voter. The first qualification is that the person is a citizen of the United States	An applicant for voter registration is required to sign an oath, which includes the statement they are citizens of the US.	none
Elections	To participate in Elections a person must be a registered voter. (see above)	All voters must show ID in the voting precinct before they are allowed to vote. If they do not have an acceptable ID with them, they may sign an Affidavit affirming they are who they are.	none

Illegal Immigration Analysis

Agency Name: Human Rights

Division Name: Human Rights

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
<p>Charge Management -- this function includes intake, investigation, determination and resolution, through public hearings if necessary, of all individual charges of discrimination in employment, education, public accommodation, credit, and housing alleged to be in violation of federal or state anti-discrimination laws.</p>	<p>Various. Illegal immigrants are covered by the Equal Protection and Due Process Clauses of the U.S. Constitution. While the Supreme Court has not opined yet whether, for example, illegal workers have a right to pursue employment discrimination claims, it is clear that the Equal Protection and Due Process guarantees afford illegal immigrants some degree of civil rights.</p> <p>What is most important at this stage of the analysis is that EEOC, the Board's funding and regulatory partner in providing Human Rights Commission Services, has enacted EEOC Policy #915.002. That policy states EEOC's position that undocumented workers may make charges of employment discrimination that must be accepted and addressed by EEOC and local agencies with whom it enters work-sharing agreements, like the Human Rights Commission.</p>	<p>n/a</p>	<p>Legal: Potential for legal challenge to restriction; EEOC could withdraw work-sharing agreement.</p> <p>Practical: EEOC support is necessary to continue providing the service the Board established the Human Rights Commission to provide under Chapter 10.1 of the Prince William County Code.</p>
<p>Outreach and Education -- this service creates informational brochures about Commission services and civil rights laws, and informational programming for cable television. This service also provides training to the community, such as employer training in avoiding discrimination, and handles general inquiries.</p>	<p>Chapter 10.1 of the Prince William County Code requires the Human Rights Commission to provide this service.</p> <p>The Virginia Freedom of Information Act (FOIA) guarantees access to public records to residents of the Commonwealth. The County lacks legal authority at this point to interpret FOIA to limit access to public records to illegal aliens who reside in the Commonwealth. To the extent this service is required by FOIA, a restriction based on legal status would be open to challenge.</p>	<p>n/a</p>	<p>Legal: if service which is mandated by FOIA is restricted, there is a strong potential for a legal challenge under FOIA.</p>

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
<p>Information Requests -- this service provides specific records in response to subpoena's and other requests.</p>	<p>The Virginia Freedom of Information Act (FOIA) guarantees access to public records to residents of the Commonwealth. The County lacks legal authority at this point to interpret FOIA to limit access to public records to illegal aliens who reside in the Commonwealth. To the extent this service is required by FOIA, a restriction based on legal status would be open to challenge.</p>	<p>n/a</p>	<p>See above.</p>
<p>Support to the Commission -- clerical and administrative support to the Commission for meetings, etc.</p>	<p>The Commission is a public body required by FOIA to among other things, publish notice of its meetings in advance and keep minutes of its meetings. To the extent administrative support is necessary to comply with FOIA, this is an activity mandated by Virginia law</p>	<p>n/a</p>	<p>This service performed by Commission staff supports the Commission's work, the Board's objectives, and the community as a whole. It is not performed for the benefit of any Board of County Supervisors the County Executive and the community as a whole and not for any particular individuals or group of individuals..</p>

Illegal Immigration Analysis

Agency Name: Library

Division Name: All

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
Use of library facilities	<p>Children: The enabling authority for state aid to local libraries and local provision of free public library service for the use and benefit of residents does not authorize restricting library service based on immigration status. To the extent such a restriction would be applied to prevent illegal immigrant school children from using the library, it would likely be viewed with disfavor under Plyler v. Doe, 457 U.S. 202 (1982)</p> <p>Adults: Restricting services to adults based on immigration status does not present the same challenges, as a legal matter.</p>	None	<p>Verification at entrance: There is currently no one stationed at the entrance to check library cards; this would require reassignment of staff, as well as some physical restructure/redesign at the entrances. This would be difficult at all library facilities, but especially so at the Neighborhood Libraries which have very little space at the entrances. Also, staff would be taken from other functions possibly resulting in waiting lines for services. Staff would need to be trained in the verification process. In addition, there could be security issues for the staff to deal with as people are denied service for lack of some type of acceptable verification.</p>
Checkout of books & other materials	See above	None	<p>Currently this requires a library card, which only requires proof of residency. We have 230,000 registered borrowers. All cards expire after two years. Re-registration would probably encompass 100,000 - 150,000 cards in year one. Impacts would include staff training on items that are acceptable for verification, staff time, new cards, waiting lines, Possible issues with children who are legal and parents who are not; currently parents must sign for children as they are financially responsible for them.</p>

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
Information services in the library	See above	None	Currently this requires no verification or library card. We answer about 450,000 information questions each year, would estimate about half of these are done in person. If verification is done at the entrance, the impact would be minimized. If not, impacts would include staff training, possible additional computer software set-up to allow verification.
Information services by phone	See above	None	We estimate that one third of the information questions we answer are by phone, about 150,000 per year. If phone service could not be offered because of the need to verify, this would require these patrons to physically come to the buildings. Some significant % would be lost, as people would probably try to get the information on their own through the Internet or by calling libraries in other surrounding jurisdictions. The remainder would significantly impact our facilities.
Use of on-line database services	See above	None	Currently this requires use of a library card. Impact would be the same as listed above for checkout of books & other materials.
Programs	See above	None	No verification of any type currently required. Impacts would include staff training in validation or use of library card (See above), slower registration process. Possible positive impact might be that more slots would be available--many programs are now at capacity. However, the majority of programs are aimed at children and there could be cases in which a child is a legal immigrant but the parents who sign them up for the programs are not.

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
Community Rooms	See above	None	Verification of the non-profit status of the groups is currently required. We are unsure how we would be able to verify if all members of the organization were legal residents. Would it be acceptable just to verify the person applying? This issue will need to be addressed for all county meeting spaces.
Internet stations in the libraries	See above	None	Library card requested, but day passes are issued for those without library cards. Since these Internet stations are heavily used by people without other access to computers, restrictions may eliminate some portion of the current users, providing more access to these machines which often have waiting lists.
Homework and assignment help	See above	None	The public library provides a great deal of support to students in meeting their school assignments. Restrictions could mean that we would not be able to provide this support to those students without proper verification of their status.
Summer Quest and Teen Summer Reading Program	See above	None	These summer initiatives reach nearly 20,000 kids. Reading incentives are provided by dozens of local and area businesses in order to help the kids maintain their reading skills over the summer. These programs are also accepted as a means of satisfying the summer reading requirements of the school system. We currently do not require any verification to participate. Verification would significantly impact our ability to provide this heavily-used program.

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
Homeschool assistance	See above	None	No verification currently required. This has become a much larger part of our customer base in the last few years. Many home school families rely on us for the bulk of their information and research. Restrictions could negatively impact our ability to provide assistance to families who do not have proper documentation.
Reciprocal borrowing	See above	None	The libraries of the Metropolitan Washington Council of Governments (COG) have a long-standing (over 35 years) agreement to honor the library cards of all participating libraries. In addition, we have similar written agreements with Facquier County and the Central Rappahanock Library. We have no way of assuring verification of status by any other jurisdiction.
No cost savings			The library can see no real cost savings to be gained from further restrictions, and, indeed, there could be significant costs incurred to set up further restrictions, including redesign of library entrances, staff re-alignment and training, new library cards, possible software changes, additional security equipment, etc. In addition, it is unclear as to whether there would be any impact on the granting of State Aid. We currently receive about \$635,000 annually.

Illegal Immigration Analysis

Agency Name: Office of Executive Management

Division Name: Budget and Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
Budget Development	This service supports County government operations. Therefore, the legal issues that arise when considering whether to restrict based on legal status are not implicated by this service.N/A	N/A	Budget analysis, development and implementation work is performed for the BOCS, the County Executive and the community as a whole not any one individuals or group of individuals.
Capital Improvement Program Development	See above.	N/A	See above
Budget Implementation	See above.	N/A	See above

Illegal Immigration Analysis

Agency Name: Office of Executive Management

Division Name: CXO-Clerk to BOCS

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
BOCS Agenda/Brief/Agenda Items	FOIA - Records of meetings of public bodies.		Work performed by the Clerk's Office supports the Board of County Supervisors the County Executive and the community as a whole and not for any particular individuals or group of individuals.
Citizen Request for Information and similar/related requests via telephone, web site, in person or correspondence.	The Virginia Freedom of Information Act (FOIA) guarantees access to public records to residents of the Commonwealth. The County lacks legal authority at this point to interpret FOIA to limit access to public records to illegal aliens who reside in the Commonwealth. To the extent this service is required by FOIA, a restriction based on legal status would be open to challenge.		The Virginia Freedom of Information Act (FOIA) guarantees access to public records to residents of the Commonwealth. The County lacks legal authority at this point to interpret the FOIA to limit access to public records to illegal aliens who reside in the Commonwealth.
Notary Public	This is not a service the County is required to provide by any law.		This service could be restricted to legal status.

Illegal Immigration Analysis

Agency Name: Office of Executive Management

Division Name: Communications

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
Channel 23 programming	Cable franchise agreements	None required	Channel 23 is telecast by the cable television companies and the County has no ability to restrict that telecast.
Cable television coordination	Cable franchise agreements	None required	Illegal immigrant cable customers would not have an advocate with the cable companies.
Media relations	To the extent this service is required by the Virginia Freedom of Information Act (FOIA), FOIA guarantees access to public records to residents of the Commonwealth. The County lacks legal authority at this point to interpret the FOIA to limit access to public records to illegal aliens who reside in the Commonwealth.	None required	This covers interaction with various print, radio and television media outlets and County staff performs this job for the benefit of the community as a whole and not for the benefit of any individual resident.
Employee communications	This service supports County employees in the performance of their work functions. The County is required by federal law to ascertain legal status upon hire. Therefore, the legal issues that arise when considering whether to restrict a public benefit to private individuals based on legal status do not arise with respect to this service.	None required	All County employees are legal.
Special events	Restricting attendance at County-sponsored special events: If a rational relationship can be demonstrated between denying this service to illegal immigrants and a legitimate government purpose, it is possible that a restriction of this service to those legally present can be successfully defended	None required	This includes coordination of events such as ribbon-cuttings, plaza events and memorial events. These events are set up at the direction of County government, not for the benefit of private individuals. As far as controlling public attendance at these events, it is impractical to question attendees at such events to determine legal status

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
Citizen participation (CLI)	If a rational relationship can be demonstrated between denying this service to illegal immigrants and a legitimate government purpose, it is possible that a restriction of this service to those legally present can be successfully defended.	None required	No impacts.
Requests for public info (phone/Web)	The Virginia Freedom of Information Act (FOIA) guarantees access to public records to residents of the Commonwealth. The County lacks legal authority at this point to interpret the FOIA to limit access to public records to illegal aliens who reside in the Commonwealth.	None required	The County currently provides information to anyone seeking knowledge about programs and services. We receive questions and requests from County residents as well as people from other counties, states and countries. We do not do any new work or analyses to fulfill these requests, but simply provide the information as it exists. Given the nature of the phone, walk-in, and Web requests, it would be very impractical if not impossible to establish legal status.
Information Desk in person inquiries	The Virginia Freedom of Information Act (FOIA) guarantees access to public records to residents of the Commonwealth. The County lacks legal authority at this point to interpret the FOIA to limit access to public records to illegal aliens who reside in the Commonwealth. To the extent information desk services are required by FOIA, a restriction based on legal status would be open to challenge.	None required	

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
Publications	The Virginia Freedom of Information Act (FOIA) guarantees access to public records to residents of the Commonwealth. The County lacks legal authority at this point to interpret the FOIA to limit access to public records to illegal aliens who reside in the Commonwealth. To the extent that the Publications service is required by FOIA, a restriction based on legal status would be open to challenge.	None required	Publications are available without asking and it would be impractical and costly to first determine legal status.
Manage Web content	The Virginia Freedom of Information Act (FOIA) guarantees access to public records to residents of the Commonwealth. The County lacks legal authority at this point to interpret the FOIA to limit access to public records to illegal aliens who reside in the Commonwealth. To the extent web content management services are required by FOIA, a restriction based on legal status would be open to challenge.	None required	The Web is available world wide to subscribers. We cannot restrict access.
Emergency communications	No legal analysis necessary -- this is a service provided to benefit the community as a whole through the enhancement of public safety. It is not intended to, nor can it legally be said to, provide specific benefits to private individuals which are above and beyond the benefits received by the public.	None required	During emergency situations such as a hurricane, it is imperative that all people within the County get the necessary information for their health and safety. This becomes a community issue, not an individual issue. In addition, this information is distributed through the media, the County government television channel, and all means available making it impractical to impossible to determine legal status of those receiving vital information.

Illegal Immigration Analysis

Agency Name: Office of Executive Management

Division Name: Human Resources

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
Employee Staffing Services	Federal (8 U.S.C. Sec. 1324a) and State (Section 40.1-11.1, VA Code Ann.) prohibit the employment of illegal aliens.	<p>Candidates certified for interviews answer the following questions contained on the Prince William County Supplemental Employment Form prior to participating in an interview session:</p> <p>Please state whether you are legally eligible for employment in the United States (You are legally eligible for employment if you are a United States Citizen or if you have an appropriate permit to work in the United States issued by the U.S. Department of Justice or U.S. Department of Labor).</p> <p>0 Yes 0 No</p> <p>1(a) Please indicate your current qualifying status: Permit to Work US Citizen</p> <p>If candidates cannot select one of the two options they are not interviewed or eligible for employment consideration.</p>	Candidates could be required to present proof of eligibility to work BEFORE interviews could take place. Presently proof of eligibility isn't required until initial employment orientation. Requirement to present proof would have no impact on the interview process.
Employee Benefits Services	See above.	PWC only employs persons who are legally eligible to work in the U.S. (i.e., citizens and nationals of the U.S. and aliens authorized to work in the U.S.)	N/A
		During the initial employment orientation, HR staff verifies and copies the eligibilty documentation by completing the I-9 form. These forms are on file for at least 3 years or one year after employment, whichever is longer.	

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
Employee Staffing/Volunteer Management	<p>Uniform Guidelines for Employee Selection.</p> <p>A decision to restrict volunteer opportunities could potentially be challenged under the Equal Protection Clause, but we anticipate the courts would defer to a local government's decision as to who should be accepted as volunteers, essentially agents, of the local government.</p>	<p>Current County volunteer applications do not ask for proof of eligibility to reside in U.S. Some volunteer positions require a driver's license.</p>	<p>May limit the members of individuals willing to volunteer their services to PWC.</p>
Equal Employment Opportunity	Uniform Guidelines for Employee Selection	N/A	All County employees are legal.
	Title VII of the 1964 Civil Rights Act, as amended	N/A	All County employees are legal.
	<p>Executive Order 11246.</p> <p>These are services that support County employees in the performance of their work functions. As the County is required to verify legal status at the time of hire, all County employees have legal status. Therefore, the legal issues that arise when considering a restriction in a public service to private individuals are not implicated with respect to these internal employee services.</p>	N/A	All County employees are legal.
Classification/Compensation	<p>County budget as adopted by the Board with respect to base compensation and benefits and the Fair Labor Standard Act with respect to overtime payments. These internal services support County employees in the performance of their work functions. Therefore, the legal issues that arise when considering a restriction of a public service to private individuals are not implicated.</p>	<p>PWC classification and compensation employees that have been certified as U.S. citizens, through the employee staffing process.</p>	<p>All County employees that are classified in County's Classification & Pay Plans system are legal.</p>

Illegal Immigration Analysis

Agency Name: Office of Executive Management

Division Name: Legislative Affairs

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
State Legislative Program	This service supports the County government operation. Therefore, the legal issues that arise when considering whether to restrict based on legal status are not implicated by this service.	n/a	Service done for Board and community at large, not any one individual While questions are received from members of the General Assembly and their staffs and residents of the County, it is our belief we do not receive such requests from illegal immigrants
Federal Legislative Program	See above.	n/a	Service done for Board and community at large, not any one individual While questions are received from members of Congress and their staffs and residents of the County, it is our belief we do not receive such requests from illegal immigrants

Illegal Immigration Analysis

Agency Name: Office of Executive Management **Division Name:** Executive Management and Audit

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
Executive Management	This service supports County government operations and employees in performing their work functions. Therefore, the legal issues that arise when considering whether to restrict based on legal status are not implicated by this service.	n/a	Management of the County government organization is performed for Board and community at large, not any one individual or group of individuals.
Internal Audit	See above.	n/a	Internal Audit services and analyses are performed for the Board and community at large, not any one individual or group of individuals.

Illegal Immigration Analysis

Agency Name: OEM

Division Name: T&D O&D

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
Training PWC ee's	These are services that support County employees in the performance of their work functions. The County is required to verify legal status at the time of hire. Therefore, the legal issues that arise when considering a restriction in a public service to private individuals are not implicated with respect to these internal employee services.	n/a	All County employees are legal residents as verified by Human Resources
Scholarship Management	See above.	n/a	All County employees are legal residents as verified by Human Resources
Internal Consult	See above.	n/a	All County employees are legal residents as verified by Human Resources
OD initiatives	See above.	n/a	All County employees are legal residents as verified by Human Resources
PWC U Dev. & Admin.	See above.	n/a	All County employees are legal residents as verified by Human Resources

Illegal Immigration Analysis

Agency Name: Office of Information Technology

Division Name: Geographic Information Systems

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
Application Services	<p>This service supports County employees in performing their work functions. Therefore, the legal issues that arise when considering whether to restrict based on legal status are not implicated by this service</p> <p>Further, the Virginia Freedom of Information Act (FOIA) guarantees access to public records to residents of the Commonwealth. The County lacks legal authority at this point to interpret FOIA to limit access to public records to illegal aliens who reside in the Commonwealth. To the extent this service is required by FOIA, a restriction based on legal status would be open to challenge.</p>	N/A	Application Services are performed in order to make the government more effective and efficient for the community as a whole not for the benefit of one individual or group of individuals. This work also supports the work of employees in all agencies.
Data Management	See above.	N/A	Data Management are performed in order to make the government more effective and efficient for the community as a whole not for the benefit of one individual or group of individuals. This work also supports the work of employees in all agencies.
Demographics	See above.	N/A	Most Customers are internal to the County.
Customer Support	See above.	None	These are both internal and external customers. For our external customers we charge for many of our services.

Illegal Immigration Analysis

Agency Name: Office of Information Technology

Division Name: Information Systems Division

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
eGovernment Systems Support	<p>If a rational relationship can be demonstrated between refusing to allow illegal immigrants to do business with the County electronically and a legitimate government purpose, it is possible that a restriction of electronic services to those legally present can be successfully defended.</p> <p>However, we note that this opinion is confined to the question of whether the Board can restrict the provision of services by electronic means -- and not to the Board's ability to restrict the underlying service.</p> <p>The County's website also provides information to users. To the extent the website is provided to comply with the Virginia Freedom of Information Act (FOIA), FOIA guarantees access to public records to residents of the Commonwealth. The County lacks legal authority at this point to interpret the FOIA to limit access to public records to illegal aliens who reside in the Commonwealth.</p>		<p>The County established its eGov program back in FY99, in order to improve services to citizens. The Board has approved a great deal of resources towards the goal of being an effective and efficient government by serving citizens at their convenience, which is anytime and from anywhere. Approximately, 5.4 million visitors accessed the County web site in 2006. This resulted in 215,000 real-time transactions and generated \$10 million in revenues. Currently, there is no way to check legal status of anyone online before allowing access to the County eServices. Therefore, the County would need to close down its eGov program and ask citizens to visit the County offices in order to conduct transactions with the County. This policy change will result in longer lines at the customer counters and ultimately will require the County to add additional staff.</p> <p>Some County development services are accessed electronically. This is done to enhance efficiency in that area, which contributes to the County's reputation as a good place to do business - a key goal of the BOCS.</p> <p>The web site also provides a great deal of information to users.</p>

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
Public Safety Systems Support	This service supports County employees in performing their work functions. The County is required by federal law to ascertain legal status of its employees upon hire. Therefore, the legal issues that arise when considering whether to restrict based on legal status are not implicated by this service.	N/A	OIT supporting County employees in their work effort. This service is not directly serving private individuals.
Financial Systems Support	This service supports County employees in performing their work functions. The County is required by federal law to ascertain legal status of its employees upon hire. Therefore, the legal issues that arise when considering whether to restrict based on legal status are not implicated by this service.	N/A	OIT supporting County employees in their work effort. This service is not directly serving private individuals.
Human Services Systems Support	This service supports County employees in performing their work functions. The County is required by federal law to ascertain legal status of its employees upon hire. Therefore, the legal issues that arise when considering whether to restrict based on legal status are not implicated by this service.	N/A	OIT supporting County employees in their work effort. This service is not directly serving private individuals.
Development Services Systems Support	This service supports County employees in performing their work functions. The County is required by federal law to ascertain legal status of its employees upon hire. Therefore, the legal issues that arise when considering whether to restrict based on legal status are not implicated by this service.	N/A	OIT supporting County employees in their work effort. This service is not directly serving private individuals.

Illegal Immigration Analysis

Agency Name: Office of Information Technology

Division Name: Infrastructure Management

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
Radio Communications	This service supports County employees in performing their work functions. Therefore, the legal issues that arise when considering whether to restrict based on legal status are not implicated by this service.	NA	Radio Communications provides support to public safety employees in the field and in stations. This service is not provided directly to citizens.
Network Engineering	See above.	NA	Network engineering is performed to support the work of County employees in various agencies and is not provided to citizens directly.
Systems Engineering	See above.	NA	Systems engineering is performed to support the work of County employees in various agencies and is not provided to citizens directly.
Network Operations Center	See above.	NA	Network operations center is provided to support the work of County employees in various agencies and is not provided to citizens directly.
Seat Management	See above.	NA	Seat Management is a contracted service that supportst he hardware and software of County employees in various agencies. This service is not performed for citizens.
Technical Training	See above	NA	This service provides technical training to employees and does not serve citizens.

Illegal Immigration Analysis

Agency Name: Prince William Area Agency on Aging

Division Name: Administration

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
<p>Long Term Care Ombudsman Program - provides advocacy services for adults already in nursing homes</p>	<p>This organization does receive Older Americans Act money in addition to County money and the OAA money comes with the regulation that services cannot be restricted even if the client is illegal.</p>	<p>None</p>	<p>This service is a contractual arrangement with this regional Ombudsman service. The County supports this organization along with other Northern Virginia jurisdictions. Adults in nursing homes and families of these adults contact the Ombudsman directly so the County has no point of service to check legal status.</p> <p>The problems or issues that the Ombudsman uncovers in nursing homes through its advocacy work can also lead to improvements for those who are citizens or who have legal status.</p>
<p>Bluebird Senior Tour Program</p>	<p>This is not a service the County is required to provide.</p>	<p>None</p>	<p>Persons with legal status would have to register or produce documentation. Approximate 1,000 persons in the program currently. It is believed that no illegal immigrants are currently volunteers.</p> <p>If verifying for residency status for a program funded entirely by county funding, then five (5) staff would need training.</p>

Illegal Immigration Analysis

Agency Name: Prince William Area Agency on Aging

Division Name: Information and Assistance

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
<p>Information and Assistance; Public Information and Education -</p>	<p>Older Americans Act - 42 U.S.C. Sec. 3001, et seq. Under implementing regulations, the Assistant Secretary for Aging, of the Department of Health and Human Services has issued a ruling stating that "non-citizens, regardless of their alien status, should not be banned from services authorized by the OAA and administered by the AoA (Area Agency on Aging) based solely on their alien status." The Area Agency on Aging understands this to mean that it is prohibited from asking for proof of legal status as a condition of receiving any service funded through the OAA.</p> <p>In preparing for this worksession, Area Agency on Aging staff poses the idea that OAA money be aggregated into one or more programs on which the Assistant Secretary's directive will continue to operate. The remaining programs may then not be subject to the directive. The County Attorney's Office will need to study this proposal before it can opine that this proposed budgetary action will have the desired legal effect.</p> <p>If the AAA can gain legal authority to restrict services, it believes that this</p>	<p>Not currently allowed -- program funded through Older Americans Act.</p>	<p>Because most business is conducted over the telephone, if restricting service, a change to in-person service delivery model would result in a significant decline in service expected by consumers; 11,000 units of service were provided last year with over 90% by phone. Persons with legal status would have to drive to the office for service. Many of these persons are frail elders who may not be able to drive, working caregivers who cannot leave their office during the day, or professionals who would not be able to serve their clients by having to drive to the office.</p>

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
	<p>service should continue to be funded with OAA funds because it is the most difficult to restrict from a practical standpoint. Most of the service is done over the phone.</p> <p>The Virginia Freedom of Information Act (FOIA) guarantees access to public records to residents of the Commonwealth. The County lacks legal authority at this point to interpret FOIA to limit access to public records to illegal aliens who reside in the Commonwealth. To the extent this service is required by FOIA, a restriction based on legal status would be open to challenge.</p>		
Volunteer	Currently OAA funds are in this area. However, it may be possible to move these funds out and thus restrict these programs to illegal immigrants, see above.	Currently none	<p>Legal: Further study is required to verify that authority to restrict this service can be gained.</p> <p>Volunteers are necessary for providing services in a cost effective method. It is believed that no illegal immigrants are currently volunteers. Restricting may discourage persons with legal status from volunteering due to feeling inconvenienced by having to produce documentation. This could negatively impact service delivery for recipients of Meals on Wheels, Adult Day Care and Friendly Visiting services.</p> <p>If verifying for residency status for a program funded entirely by county</p>

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
			funding, then ten (10) staff would need training; OCA changes would require Dept. of Finance assistance.
Case Management	Currently OAA funds are in this area. However, it may be possible to move these funds out and thus restrict these programs to illegal immigrants. See above.	None current	There have been several instances (perhaps 10-12) where clients were illegal immigrants brought here by their legal immigrant children because of their parent's low functionality and the concern of their children. If verifying for residency status for a program funded entirely by county funding, then ten (10) staff would need training; OCA changes would require Dept. of Finance assistance. Approximately 200 clients per year.
Care Coordination for Elderly Virginians Program (case management for very low functioning elders).	State Funding Only	None currently	There have been several instances (perhaps 2-3) where clients were illegal immigrants brought here by their legal immigrant children because of their parent's low functionality and the concern of their children. If verifying for residency status for a program funded entirely by county funding, then ten (10) staff would need training; OCA changes would require Dept. of Finance assistance. Approximately 60 clients per year.
VICAP (Medicare Counseling)	Persons receiving Medicare and/or Medicaid are required to have appropriate legal status as a condition of eligibility for those programs..	Social Security Numbers and other means as determined by Medicare/Medicaid; this is done prior to customer seeking service from the Agency	Already restricted
Senior Dental Program	None	None	Ten staff would need training; OCA changes would require Dept. of Finance assistance. It is believed that no illegal

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
			<p>immigrants have requested this service. If service were restricted then illegal immigrant elders would not receive dental care possibly leading to a rise in health chronicity. Persons with legal status may experience inconvenience producing documentation, though they currently must produce a local address to prove they live in the county. Approximately 35 customers per year.</p>

Illegal Immigration Analysis

Agency Name: Prince William Area Agency on Aging **Division Name:** In-Home and Community-Based Services

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
Adult Day Care	State Respite funds may be denied to persons with illegal immigration status; Service delivery guidelines may be determined by local government; For those receiving Medicaid - eligibility is based on legal residency status.	Currently DSS checks for Medicaid eligibility.	Training costs for staff to verify eligibility if desired by local government; There would be little if any impact on customers if this service were restricted. If there are illegal immigrants receiving service or on the waiting list, then they would be removed and room for legal residents would be gained. It is possible that there may be or have been an illegal immigrant receiving service as a private pay or sliding fee scale client since some legal immigrants bring their parents here illegally due to the parent's chronic illness.
In-Home Assistance (personal care, bathing, homemaker)	Older Americans Act - 42 U.S.C. Sec. 3001 -- cannot deny or ask regarding residency status; 5% of OAA Title IIIB funds must be placed in In-Home Assistance. It is the recommendation that the OAA money can be put into Homemaker services and thus not restrict those services. Other in-home services such as personal care might then perhaps be restricted. Further legal analysis is necessary to determine if the proposed budget action would have the desired legal effect.	Currently none	If using OAA funds, in violation of federal law to check legal status for Homemaker services. If OAA funds were removed from Personal Care and Bathing then it is possible that the current waiting list could be shortened as illegal immigrants (possible 3-4) were restricted from service and persons with legal status on the waiting list could receive service. If verifying for residency status for a program funded entirely by county funding, then ten (10) staff would need training; OCA changes would require Dept. of Finance assistance.

Illegal Immigration Analysis

Agency Name: Prince William Area Agency on Aging

Division Name: Senior Centers 4 of 4 Divisions

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
Socialization and Recreation	Currently OAA funds are in this area. However, it may be possible to move these funds out and thus restrict these programs to illegal immigrants. Further legal analysis is necessary to answer this question.	None	Currently memberships to the Senior Centers are based on suggested donations of \$18.50 per year. If OAA funding were removed (and replaced with County funds from I&A), then memberships could be charged (not donated) possibly increasing revenues for the Centers. Socialization and Recreation programs held during lunch (11:30am - 1pm) could not be restricted [see congregate meals under nutrition]. All other programming could have fees and possibly increasing revenues. It is possible that there are illegal immigrants currently attending programs offered at the Centers. If verifying for residency status for a program funded entirely by county funding, then ten (10) staff would need training; OCA changes would require Dept. of Finance assistance.
Nutrition Services (meals at the Senior Centers and Meals on Wheels)	Older Americans Act - cannot deny or ask regarding residency status Mandated to provide service with 10% of local match. This service is funded with OAA money, and staff proposes that funding continue.	Not allowed for OAA service	in violation of federal law for OAA service.
Transportation (to and from the Senior Center)	Currently OAA funds are in this area. However, it may be possible to move these funds out and thus restrict these programs to illegal immigrants.	None currently.	Currently, a suggested donation is requested for service provision. If OAA funds were moved to I&A and replaced by County funds from I &A, then local government could determine whether or not to charge a fee. If a fee were to be charged, then revenues could be increased.

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
			<p>If fees were charged and revenues increased coupled with a similar increase mentioned above in Socialization and Recreation, then the Senior Centers may be able to increase program and transportation services.</p> <p>It is possible that 5-7 illegal immigrants may currently be using service. Without transportation, these persons may not be able to attend the Senior Center and receive lunch increasing their nutritional risk and need for socialization.</p> <p>If verifying for residency status for a program funded entirely by county funding, then ten (10) staff would need training; OCA changes would require Dept. of Finance assistance.</p>
<p>Health Promotion and Disease Prevention</p>	<p>Currently OAA funds are in this area. However, it may be possible to move these funds out and thus restrict these programs to illegal immigrants. Further legal analysis would be necessary.</p>	<p>None currently</p>	<p>Because restriction could not occur between 11:30am and 1pm at the Senior Centers, as noted above, the nurse could provide some programs, perhaps once per quarter (\$2,000 worth of funding) during these hours that would not be restricted. The rest of her time could be used in serving persons of legal status during other Senior Center hours. Fees could be charged for classes, programs, medication management service increasing revenues for the Centers.</p> <p>It is possible that 20 illegal immigrants have used this service. The public health benefit of allowing them to continue to do so quarterly during the lunch hour should be considered.</p> <p>If verifying for residency status for a</p>

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
			program funded entirely by county funding, then twenty (20) staff would need training; OCA changes would require Dept. of Finance assistance.

Illegal Immigration Analysis

Agency Name: At-Risk Youth and Family Services

Division Name: At-Risk Youth and Family Services

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
	<p>CoV regulations applicable to all svcs:</p> <p>2.2-5200: Intent & purpose of CSA</p> <p>2.2-5206: CPMT powers & duties</p> <p>2.2-5211: State pool funds for CPMT</p> <p>2.2-5212: Eligibility for pool funds</p>		
<p>Mandated clients (i.e., foster care, residential special education, and foster care prevention) provided community-based and/or residential services for cases brought from its member human service agencies including-</p> <p>DSS JCSU CSB PWC Schools Health Department -</p>	<p>According to the State CSA office, legal residency is not addressed in the CSA Statute. Therefore, the CPMT has no requirement to validate residency status nor is it prohibited from denying services based on residency status, if other regulations leave it free to do so.</p> <p>In most instances, however, Virginia law guiding individual human service agencies in their provision of particular services have eligibility criteria that do not include legal presence.</p> <p>If the CPMT were to restrict service based on immigration status, the restriction could be challenged under the Dillon Rule and the Equal Protection Clause of the U.S. Constitution. In order to defend against an Equal Protection challenge the County would be required to show a rational relationship between the restriction and the furtherance of a legitimate government objective. It is possible that a court will take into account the vulnerable position of a child and decide that services to protect his life or health are</p>	<p>None required. (Eligibility for CSA funded services and eligibility for Medicaid are two separate activities. Qualification for CSA services is based on specified at-risk conditions without regard to Medicaid eligibility. The only relationship between the two is money. Medicaid qualified clients get their services at a lesser cost to CSA; otherwise, CSA pays total cost of services.)</p>	<p>Legal: Strong potential for challenge to a restriction, particularly if participating state agencies do not agree with the restriction.</p> <p>Practical: Support provided by this program has had a favorable impact on the following performance measures: juvenile arrest rates; juvenile re-offense rate; child abuse, neglect and exploitation; school expulsion. Denial of At-Risk Youth and Family Services support could adversely impact those outcomes connected to this program.</p> <p>Note: not serving illegal aliens could free up service availability for legal residents.</p>

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
	<p>equivalent under the constitution to access to free public education. In such a case, a court could hold the County to a heightened standard for justifying the restriction applied by the Court in Plyler v. Doe, 457 U.S. 202 (1982).</p>		

Illegal Immigration Analysis

Agency Name: Community Services **Division Name:** Community Support

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
<p>Early Intervention -- services for infants and toddlers with disabilities which may cause them developmental delay when they reach school age,</p>	<p>Early Intervention is a multi-agency program fostered by the federal government under the Individuals with Disabilities in Education Act. 20 U.S.C. Sec. 1400 et seq. The program has eligibility criteria defined by federal and state regulation, which do not include legal status. As this program is tied so closely to education, a local government attempt to restrict it will likely be struck down as unconstitutional under the U.S. Supreme Court's holding in Plyler v. Doe, 457 U.S. 202 (1982).</p>	<p>No Verification Conducted.</p>	<p>Those excluded from services would not have the opportunity to have the outcomes that participants in EI programming have: -53% of children evidencing developmental concerns at entry to EI services did not require special education preschool program at discharge in FY07(this does not include infants and toddlers who enter the program with a diagnosed developmental disability such as Down's Syndrome, as with this diagnosed disability, not just the developmental concern, they will require preschool services at discharge) -Early childhood intervention programs have been shown to yield benefits in academic achievement, behavior, educational progression and attainment, delinquency and crime and labor market success, among other domains(Rand Corporation Research, 1998) -First 3 years of life are a period of extraordinary growth in physical, intellectual, social, emotional and linguistic development--learning that takes place in the early years lays the emotional foundation for future school and life success -PL34CFR303.12(b)-in Part C indicates that services are to be provided in natural environments for the best outcomes to occur and this also incorporates the importance of "family centered care" which is considered essential in providing EI services and enhancing the capacity of families to meet their child's needs.</p> <p>In addition, those not served will have to be served once they reach a school setting. Without early intervention, the issues and problems may be more expensive to address when the child reaches school age.</p>

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
<p>Mental Retardation Case Management Services</p>	<p>Federal law does not clearly prohibit the provision of mental retardation services to illegal immigrants, nor does it authorize a denial of those services by a locality.</p> <p>Under Virginia law, mental retardation services are mandated under Title 37.2 of the Code of Virginia, particularly in instances where courts have entered orders requiring evaluation and/or services. There is no express authorization to deny these mandated services to illegal immigrants, so the Dillon Rule could be used as a basis for a legal challenge to a restriction.</p> <p>Apart from the Dillon Rule, if a restriction were challenged under the Equal Protection Clause of the U.S. Constitution, we would need to demonstrate the rational relationship between denying mental retardation services to illegal immigrants and furthering a legitimate governmental goal. Under the holding in Plyler v. Doe, 457 U.S. 202 (1982), a court may take the vulnerable position of a mentally retarded alien into account and require a local government to meet a heightened standard to justify the restriction.</p> <p>Further, if a local court specifically orders mental retardation service to an individual who is an illegal alien, and the County refuses to provide the service, contempt proceedings against the County will likely ensue.</p>	<p>No Verification Conducted; however, at this time, most recipients are funded by Medicaid. In order to establish their eligibility for Medicaid to the Department of Social Services, they are required to prove their legal status. .</p>	<p>Those excluded from services would not have the opportunity to have the outcomes that participants in MR CM programming have:</p> <ul style="list-style-type: none"> -96% of clients are successfully maintained in the community -92% of clients receiving MR CM remain stable or improve in functioning <p>Those individuals who are not legal residents and would be denied services, because of their disability/behaviors (MR ranging from mild to severe) may evidence problems in the community such as through the school system, DSS, neighbor, public safety/law enforcement, courts, jails. Illegal clients that are not receiving services may become a danger to themselves or the community or may impact the community through nuisance behaviors.</p>

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
<p>Supportive Living Services (MH Residential) -- assists the seriously mentally ill to maintain their living situations outside of state institutions, with the support of case managers.</p>	<p>Federal law does not clearly prohibit the provision of supportive living services to mentally ill illegal immigrants, nor does it authorize a denial of those services by a locality.</p> <p>To the extent the service is mandated by Title 37.2 of the Code of Virginia and its implementing regulations, there is no express authorization to restrict the service based on legal status. Therefore, a Dillon Rule challenge could be raised.</p> <p>Apart from the Dillon Rule, if a restriction were challenged under the Equal Protection Clause of the U.S. Constitution, we would need to demonstrate the rational relationship between denying supportive living services to seriously mentally ill illegal immigrants and furthering a legitimate governmental goal. Under the holding in Plyler v. Doe, 457 U.S. 202 (1982), a court may take the vulnerable position of a mentally ill alien into account and require a local government to meet a heightened standard to justify the restriction.</p> <p>However, because these services, if extended to illegal immigrants, would directly assist them in remaining in the County, we may be able to successfully defend a restriction. Further study, an examination of specific cases and services and consultation with the State Department of Mental Health, Mental Retardation</p>	<p>If living in one of townhomes and client does not have income from work we check Medicaid and/or Social Security because client must be able to have benefits or some means of support for personal items. If not living in one of our residences (e.g., in own residence, homeless) no verification conducted.</p>	<p>Those excluded from services would not have the opportunity to have the outcomes that participants in SLS programming have:</p> <ul style="list-style-type: none"> -97% of clients maintain or improve in functioning -15% of clients in SLS were hospitalized during FY07(prior to receiving services, many of these clients experienced several hospitalizations---it is believed that SLS decrease hospitalization rates) -2 of the 133 clients served in SLS program in FY07 became homeless (2%) -The monitoring and regular contacts assist clients in maintaining stability and managing their symptoms. Clients in this program are seriously mentally ill and frequently may experience cycling with their mental illness, but with staff intervention, can be assisted before they decompensate. To meet the criteria for supported living services severe impairments in functional abilities must be demonstrated. As these functional abilities are what enables an individual to maintain themselves in the community, when there are impairments in these areas, these individuals have trouble caring for themselves in the community. The majority of our clients have had at least one previous psychiatric hospitalization, some have or are homeless, some have become incarcerated. These are the criteria of risk that is necessary to meet for entrance into the program. We do not have any data on Emergencies, TDO's, etc. but have the antedotal information based on the majority of our clients are from the FS case load where we are informed without our services, the clients deteriorate. -PATH clients - due to the fact that the PATH clients are homeless and the majority are living in the woods, rarely do any of these clients have documentation. A goal of the PATH program is to connect the client to services where pursuit for benefits can begin. If we are not able to serve

Illegal Immigration Analysis

	<p>and Substance Abuse Services and the Community Services Board should be undertaken before imposing a restriction..</p>		<p>clients without documentation, we may eliminate some clients who are citizens but do not have documentation or assistance to obtain it. Many of our clients because of their mental health history and issues with homelessness do not have documentation. In the majority of cases we do not have any indication that they are not legal, but as in one situation, have found out that although the individual came here on a student VISA many years ago from Africa, we have discovered they are no longer legal and DADS funds are paying. What can we do about deporting? NGRI case reported but took 8 months for ICE to deport. If client hadn't been maintained in NVMHI this client could have decompensated and been a danger to himself or the community. Additionally SMI clients who are illegal, if they know that they will be reported to INS may not seek treatment because of fear of deportation and become a threat to the community or themselves, therefore services for SMI clients benefit the larger community not just the client.</p>
<p>Vocational Services-SEP</p>	<p>This service is not specifically required or mentioned in the Code of Virginia. As it provides assistance in finding work, it is already limited to assisting those who are legally eligible for employment.</p>	<p>We only receive clients from DRS who are legally eligible for employment. We make sure clients have appropriate identification in order to fill out I-9 forms for employers.</p>	<p>No impact as we do not knowingly serve illegal immigrants in this program---DRS general policy is to see the SS card or work permit. If can't produce, can't be served.</p>

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
<p>Vocational Services -- Club/Horticultural Therapy</p>	<p>This service is not specifically required or mentioned in the Code of Virginia.</p> <p>In order to defend the restriction against an Equal Protection challenge, we would be required to demonstrate a rational relationship between denying this service to illegal immigrants and a legitimate government purpose. It should be noted that a court could take into account the vulnerable position of a mentally ill illegal immigrant and require us to meet a heightened standard of justification for the restriction, as the Supreme Court did in Plyler v. Doe, 457 U.S. 202 (1982).</p>	<p>No Verification Conducted.</p>	<p>Those excluded from services would not have the opportunity to have the outcomes that participants in PSR programming would have:</p> <ul style="list-style-type: none"> -HT-100% of clients maintained or improved in functioning -Clubhouse-88% demonstrated progress on life skills goals -nutritious meals are provided -breakfast and lunch -daily or weekly contact assists the clients should there be a change in their mental state as staff are able to intervene and often assist the client before hospitalization becomes inevitable. What can we do about deporting? NGRI case reported but took 8 months for ICE to deport. If client hadn't been maintained in NVMHI this client could have decompensated and been a danger to himself or the community. Additionally SMI clients who are illegal, if they know that they will be reported to INS may not seek treatment because of fear of deportation and become a threat to the community or themselves, therefore services for SMI clients benefit the larger community not just the client.

Illegal Immigration Analysis

Agency Name: Community Services

Division Name: Emergency Services

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
<p>Crisis Assessment and Intervention Services--the provision of immediate assessment and intervention to assist individuals who present as being in a crisis that is connected to mental health, mental retardation or substance abuse problem/disability. Individual may be in emergency custody of police or in the emergency department of Potomac Hospital or Prince William Hospital.</p>	<p>Federal law does not clearly prohibit the provision of emergency mental health services to illegal immigrants, nor does it authorize a denial of those services by a locality.</p> <p>Under Virginia law, emergency mental health services are mandated under Title 37.2 of the Code of Virginia, particularly in instances where courts have entered orders detaining individuals for evaluation. There is no express authorization to deny these mandated services to illegal immigrants, so the Dillon Rule could be used as a basis for a legal challenge to a restriction.</p> <p>Apart from the Dillon Rule, if a restriction were challenged under the Equal Protection Clause of the U.S. Constitution, we would need to demonstrate the rational relationship between denying emergency medical services to illegal immigrants and furthering a legitimate governmental goal. Under the holding in Plyler v. Doe, 457 U.S. 202 (1982), a court may take the vulnerable position of a mentally ill alien into account and require a local government to meet a heightened standard to justify the restriction.</p> <p>Further, if a local court specifically orders mental health service to an individual who is an illegal alien, and the County refuses to provide the service, contempt proceedings against the County will likely ensue.</p>	<p>No verification conducted. Some patients qualify for Medicaid and have proven their eligibility by demonstrating their legal status to the Department of Social Services.</p>	<p>Legal: Strong potential for legal challenge if restricted. In addition, the Board has directed in its resolution that it is not interested in restricting emergency medical care.</p> <p>Practical: These are emergency medical/psychiatric services. Those not served may pose a serious threat to the health/safety of the community at-large.</p>

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
<p>Provision of services in connection with Civil Commitment Hearings. These include: update of preadmission screening form, determination of treatment plan for those who are appropriate for outpatient commitment, testimony at commitment hearing, monitoring of outpatient commitment if ordered, location of bed if inpatient ordered</p>	<p>See above.</p>	<p>No verification conducted.</p>	<p>Outcomes of Civil Commitment Hearings for FY '07: 513 were ordered into further inpatient treatment, 29 were ordered into outpatient commitment and 255 were dismissed.</p> <p>Some of these services are clinical and administrative support functions provided to Special Justices (SJ). The information and support provide the SJ's necessary background to make sound decisions related to requiring hospitalization. The hearing outcome is decided by the Special Justice.</p>

Illegal Immigration Analysis

Agency Name: Community Services

Division Name: Medical Services

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
<p>Psychiatric Evaluations and Medication Monitoring</p>	<p>Federal law does not clearly prohibit the provision of these mental health services to illegal immigrants, nor does it authorize a denial of these services by a locality.</p> <p>Under Virginia law, mental health services are mandated under Title 37.2 of the Code of Virginia, particularly in instances where courts have entered orders requiring treatment for a particular individual. There is no express authorization to deny these mandated services to illegal immigrants, so the Dillon Rule could be used as a basis for a legal challenge to a restriction.</p> <p>Apart from the Dillon Rule, if a restriction were challenged under the Equal Protection Clause of the U.S. Constitution, we would need to demonstrate the rational relationship between denying psychiatric evaluation and medication monitoring to illegal immigrants and furthering a legitimate governmental goal. Under the holding in Plyler v. Doe, 457 U.S. 202 (1982), a court may take the vulnerable position of a mentally ill alien into account and require a local government to meet a heightened standard to justify the restriction.</p> <p>Further, if a local court specifically orders mental health service to an individual who is an illegal alien, and the County refuses to provide the service, contempt proceedings against the County will likely ensue.</p>	<p>No Verification Conducted</p>	<p>The Board has said in its resolution that it is not interested in restricting medical services.</p> <p>Evaluations result in integrating psychiatric medications into psycho/social therapies. The positive impact being diminished psychiatric symptoms and improved personal, employment or school performance. In severe cases, medications stabilize symptoms leading to risk of patients harming themselves and/or others.</p> <p>The most significant impact of restricting Medical Services to those legally present will be the positive impact of medication during psychiatric crisis. If these services and medications are not made available during the episode, it will escalate which may pose a risk to the health and safety of the community at-large.</p> <p>Limiting Medical Services in other CSB programs will be the same as already stated by the individual programs.</p>

Illegal Immigration Analysis

Agency Name: Community Services

Division Name: Youth, Adult and Family

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
<p>Seriously Mentally Ill Services</p>	<p>Federal law does not clearly prohibit the provision of mental health services to illegal immigrants, nor does it authorize a denial of those services by a locality.</p> <p>Under Virginia law, mental health services are mandated under Title 37.2 of the Code of Virginia, particularly in instances where courts have entered orders requiring treatment of individuals. There is no express authorization to deny these mandated services to illegal immigrants, so the Dillon Rule could be used as a basis for a legal challenge to a restriction.</p> <p>Apart from the Dillon Rule, if a restriction were challenged under the Equal Protection Clause of the U.S. Constitution, we would need to demonstrate the rational relationship between denying emergency medical services to illegal immigrants and furthering a legitimate governmental goal. Under the holding in Plyler v. Doe, 457 U.S. 202 (1982), a court may take the vulnerable position of a mentally ill alien, particularly if that alien is a child, into account and require a local government to meet a heightened standard to justify the restriction.</p> <p>Further, if a local court specifically orders mental health service to an individual who is an illegal alien, and the County refuses to provide the service, contempt proceedings against the County will likely ensue. None</p>	<p>If Medicaid recipient, citizenship has been verified by DSS, otherwise no verification conducted.</p>	<p>Legal: Strong potential for a legal challenge to a restriction.</p> <p>Practical: Those excluded from services would not have the opportunity to have the outcomes that participants in Family Support programming have:</p> <p>81% of seriously mentally ill and seriously emotionally disturbed clients who complete treatment improve in overall functioning.</p> <p>In addition not treating a seriously mentally ill illegal immigrant may have a serious impact on the health and safety of the community at-large.</p> <p>Restricting services may result in a reduction in waiting lists and lower language interpretation costs</p>

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
			<p>There have been instances where Not Guilty by Reason of Insanity illegal immigrants have faced deportation. NGRI case reported but took 8 months for ICE to deport. If client hadn't been maintained in NVMHI while awaiting deportation this client could have decompensated and been a danger to himself or the community. Additionally SMI clients who are illegal, if they know that they will be reported to INS may not seek treatment because of fear of deportation and become a threat to the community or themselves, therefore services for SMI clients benefit the larger community not just the client.</p>
Community Based Youth, Family and Adult Services	See above	If Medicaid recipient, citizenship has been verified by DSS, otherwise no verification conducted.	<p>Legal: Strong potential for a legal challenge to a restriction.</p> <p>Practical: Those excluded from services would not have the opportunity to have the outcomes that participants in Youth Family and Adult programming have:</p> <ul style="list-style-type: none"> ▪ 81% of seriously mentally ill and seriously emotionally disturbed clients who complete treatment ▪ Improve in overall functioning ▪ Over 90% of youth at risk for out of home placement are served in the community at a much lower cost. ▪ Illegal immigrants not served may pose a threat to the safety and health of the community at-large. ▪ May result in a reduction in waiting lists and language interpretation costs <p>We anticipate the following possibility: A child in need of services will be an American citizen by birth but the parents may be illegal immigrants. The child would be entitled to services. Evidence based practice guidelines call for children to be treated within the family unit to achieve the best outcomes.</p>

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
<p>New Horizons -- substance abuse program in the schools.</p>	<p>See above.</p>	<p>If Medicaid recipient, citizenship has been verified by DSS, otherwise no verification conducted.</p>	<p>Legal: Strong potential for legal challenge to a restriction.</p> <p>Practical: Those excluded from services would not have the opportunity to have the outcomes that participants in New Horizons programming have:</p> <ul style="list-style-type: none"> Over 90% of youth at risk for out of home placement are served in the community at a much lower cost. 53% of youth in treatment stopped using illegal drugs 51% of youth in treatment stopped using alcohol 76% of youth who complete treatment improve in overall functioning May result in a reduction in language interpretation costs <p>We anticipate the following possibility: A child in need of services will be an American citizen by birth but the parents may be illegal immigrants. The child would be entitled to services. Evidence based practice guidelines call for children to be treated within the family unit to achieve the best outcomes.</p> <p>It is also anticipated that not providing service could be in violation of Supreme Court decisions in Plyler vs. Doe</p>

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
<p>Adult Substance Abuse and Pregnant and Postpartum Substance Abuse Services</p>	<p>By accepting Federal Block Grant funding, Community Services may be obligated to provide services to injecting drug users and to substance abusing women who are pregnant or with dependent children, without regard to legal status.</p> <p>Under Virginia law, substance abuse services are mandated under Title 37.2 of the Code of Virginia, particularly in instances where courts have entered orders requiring treatment of individuals. There is no express authorization to deny these mandated services to illegal immigrants, so the Dillon Rule could be used as a basis for a legal challenge to a restriction.</p> <p>Apart from the Dillon Rule, if a restriction were challenged under the Equal Protection Clause of the U.S. Constitution, we would need to demonstrate the rational relationship between denying substance abuse treatment to illegal immigrants and furthering a legitimate governmental goal. Under the holding in Plyler v. Doe, 457 U.S. 202 (1982), a court may take the vulnerable position of recovering addicted alien, particularly if that alien is a child, into account and require a local government to meet a heightened standard to justify the restriction.</p> <p>Further, if a local court specifically orders mental health service to an individual who is an illegal alien, and the County refuses to provide the service, contempt proceedings against the County will likely ensue. None</p>	<p>If Medicaid recipient, citizenship has been verified by DSS, otherwise no verification has been conducted.</p>	<p>Legal: Strong potential for a legal challenge to a restriction.</p> <p>Practical: Those excluded from services would not have the opportunity to have the outcomes that participants in Substance Abuse and MOMS programming have:</p> <ul style="list-style-type: none"> 82% of clients in treatment stopped using drugs 83% of clients in treatment stopped using alcohol 95% of clients who completed treatment improved in overall functioning. Success in treatment is correlated to increased employment and fewer incidences of criminal re-offense <p>Many clients receiving substance abuse services have been convicted of DWI or drug offenses. We cannot say with certainty that they will re-offend but the possibility of a risk to public safety exists</p> <p>May reduce the need for groups for Spanish speaking clients</p> <p>May result in a reduction in waiting lists and language interpretation costs. Children born in the US as citizens to mothers that are addicted could be addicted to drugs also and/or cost more money later to remedy the impact of learning issues caused by the mother's substance use. If don't help moms stop using, children may be born with developmental disabilities or health issues.</p>

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
Drug Offender and Recovery Services	By accepting Federal Block Grant funding, Community Services may be obligated to provide services to injecting drug users and to substance abusing women who are pregnant or with dependent children	No verification is conducted.	<p>Legal: Strong potential for a legal challenge.</p> <p>Practical: Those excluded from services would not have the opportunity to have the outcomes that participants in DORS programming have:</p> <p>139 inmates received treatment in FY07</p> <p>33% of DORM clients are re-incarcerated. This reflects a lower re-offense rate than those who do not receive treatment and much lower than the national average of 55%-75% recidivism.</p> <p>71% of inmates released from the DORM continue in treatment. This is especially important because success in treatment is directly correlated with longer treatment and completion of treatment</p> <p>Success in treatment is also correlated to increased employment and fewer incidences of criminal re-offense. Because inmates are being screened at ADC for citizenship, referral will be "certified" as eligible before entering the program.</p>
HIDTA Prevention -- intervention programs for teens involved in drugs and gangs.	<p>This is not a service the County is required to provide under federal or Virginia law.</p> <p>If a restriction is challenged under the Equal Protection Clause, we will be required to show a rational relationship between denying this service to illegal immigrants and a legitimate government objective. If ICE has issued a detainer for person who would otherwise be eligible for this program, we believe that is a defensible basis for restriction.</p>	No Verification is currently required.	<p>23 youth participated in FY07 Of those 23, 4 were gang members; 11 were gang involved.</p> <p>Youth served in HIDTA Prevention showed a 44% reduction in school absences. The mission of this activity is prevention and/or extraction of teens from gangs. The success of these efforts contribute directly to improved community safety.</p> <p>Because we anticipate that those who would be eligible for this program would be of interest to ICE for deportation purposes, we believe this program should be restricted to illegal aliens for whom ICE issues a detainer.</p>

Illegal Immigration Analysis

Agency Name: Virginia Cooperative Extension **Division Name:** Family Stability/Environment and Natural Resources

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
<p>4-H Youth Development</p> <p>Nutrition Education</p> <p>Parenting Education</p> <p>Financial Education</p> <p>Environment and Natural Resources</p>	<p>Note: The legal analysis provided in this form has been provided by the Virginia Cooperative Extension Service (VCE). As a state agency, it is represented by the Attorney General of Virginia. Its analysis of the relevant legal provisions, which it provided to the County Executive as a courtesy, is now transmitted to the Board. Legal questions regarding the obligations and powers of the VCE are more appropriately addressed by the Attorney General than by the County Attorney.</p> <p>Cooperative Extension is a state agency that is funded in part (32%) by county general funds. The Board's ability to influence services is through the General Assembly or the County's annual budget process.</p> <p>Note that it is the belief that there are currently not many illegal immigrants that access VCE's educational services.</p>	<p>NA</p>	<p>Fewer clients in programs</p> <p>Some program participants are referred by Courts, DSS or OCJS. Not sure if we can refuse services if they come as a referral from one of these sources.</p> <p>The JJPP program serves both parents and children. Not sure what we would do if referred child is of legal status, but parents are not. Many participants in this program have been involved in criminal or risky activities. Without support resources to redirect behavior, they will be more likely to remain outside the law.</p> <p>Some youth programs are delivered in conjunction with the public schools. Not sure how we would identify those students who are not legal residents for our program services.</p>

Illegal Immigration Analysis

Agency Name: Department of Social Services

Division Name: Benefits, Employment and Child Care

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
Eligibility determination for Food Stamps	Under federal and state laws and implementing regulations (8 U.S.C. Sec. 1621 for the federal government and Sections 32.1-325.03 and 63.2-503.1 at the state level, local Social Service departments are required to participate in the Food Stamp program and administer in accordance with program guidelines Only citizens and legal aliens can qualify as eligible under federal law.	The applicant must declare in writing the citizenship or alien status of each household member. If a household member is not a citizen, alien status is verified using the Systematic Alien Verification for Entitlements program System (SAVE). Only citizens and legal aliens can qualify to be eligible.	<p>Not applicable. Illegal aliens are not eligible</p> <p>Notes: Some eligible public assistance recipients speak a language other than English. Applicable to all public assistance programs.</p> <p>Illegal aliens with children who are US citizens may apply for and receive public assistance benefits for their children who are US citizens or qualified aliens. Applicable for all public assistance programs.</p> <p>An illegal alien may purchase food items with Food Stamps for dependents who are US citizens or qualified aliens.</p> <p>The WIC program, administered by the Health District, does not have citizenship/alienage requirements. WIC issues a food purchase authorization that is often mistaken as Food Stamps by the general public.</p>
Eligibility determination for Temporary Assistance to Needy Families (TANF)	See above.	All TANF applicants/recipients must provide, or have provided on their behalf, a signed statement attesting to their citizenship or alien status. Any applicant age 19 or older must verify citizenship. If an applicant claims to be a qualified alien, their status is verified through SAVE. Only citizens and legal aliens can qualify to be eligible	Not applicable. Illegal aliens are not eligible

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
<p>Eligibility determination for Medicaid</p>	<p>SHRR.DSS022. Local Social Services departments must determine eligibility of clients for Medicaid and follow rules of determination. Personal Responsibility and Work Opportunities Act of 1996 (PRWORA) Immigration Reform and Control Act Deficit Reduction Act of 2005)</p>	<p>Individuals who receive Medicaid as US citizens are required to provide proof of citizenship and identity. Individuals applying for Medicaid who have declared that they are US citizens or nationals must provide documentation of citizenship and identity at the time of application. Individuals who apply for Medicaid who have declared they are aliens must provide documentation of their alien status. Citizens and legal aliens may be determined eligible for Medicaid. Unqualified aliens may be eligible for emergency medical services only, as approved by the Virginia Department of Medical Assistance Services.</p> <p>Medicaid has established four levels of acceptable documentation of citizenship including: Level 1: Passport, Certificate of Naturalization, Certificate of Citizenship Level 2: Public birth record from state, Washington DC, or US territories; Birth verifications for US Citizen born outside of US, adoption decree, evidence of civil service employment, military record. Level 3: hospital birth certificates, health or life insurance records Level 4: Federal/State census record, institutional admission records, certain medical records, written affidavits from persons with personal knowledge of applicant's citizenship.</p>	<p>Illegal or "unqualified" aliens are eligible for emergency medical services only. This is a federal/state program.</p> <p>Restricting illegal aliens access to the program would result in hospitals not receiving Medicaid insurance payments for emergency inpatient services provided to the unqualified alien.</p> <p>Notes: An illegal alien may use Medicaid to access medical care for children who are eligible US citizens or qualified aliens.</p>

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
Eligibility determination for General Relief (Burial Assistance)	SHHR.DSS018 Local Social Services departments that elect to provide general relief must adhere to standards established by the State Board of Social Services	General Relief is a local option program. Prince William County only offers GR assistance with burials. Applicants age 19 or older must provide proof of citizenship or "qualified" alien status. Use Medicaid documentation process above.	Not applicable. Illegal aliens are not eligible.
Eligibility determination for State and Local Hospitalization (SLH)	SHHR.DSS030 Local Social Service departments are required to determine eligibility for the SLH program administered by the Virginia Department of Medical Assistance Services. Legal base for the program is found under Title 32.1 Chapter 11	SLH requires US citizen or legal alien status. If citizenship status is questionable, it must be verified. Use Medicaid documentation process above.	Not applicable. Illegal aliens are not eligible.
Eligibility determination for other programs	SHHR.DSS01,015,020,021 Local Social Service departments are required to determine eligibility for the auxiliary grant program, refugee resettlement program, and energy assistance program	All of these programs require the applicant or recipient to be a US citizen or legal alien. Applicants must declare citizenship status. Aliens are required to provide verification of lawful entry or legal residence under an Immigration and Nationality Act classification. Use Medicaid documentation process above.	Not applicable. Illegal aliens are not eligible.
Employment Services: Virginia Initiative for Employment not Welfare (VIEW)	SHHR.DSS064 VIEW is an employment program for adult TANF recipients to assist them in becoming self-sufficient by removing barriers and disincentives to work and offering opportunities and work skills training.	Citizenship and alien status is determined by eligibility rules identified for the TANF program above. VIEW services are limited to TANF recipients only.	Not applicable. Illegal aliens are not eligible.
Employment Services: Food Stamp Employment and Training (FSET)	SHHR.DSS063 Local Social Service departments must provide employment services to recipients of Food Stamp assistance who are not otherwise exempt due to other program criteria.	Citizenship and alien status is determined by eligibility rules identified for the Food Stamp program above. FSET services are limited to Food Stamp recipients only.	Not applicable. Illegal aliens are not eligible.

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
Child Care Program	<p>SHHR.DSS042 Local Social Service departments must provide child care to eligible participants in TANF-VIEW and former eligible recipients of VIEW</p> <p>Head Start Wrap Around Child Care</p> <p>SHHR.DSS045 Local Social Service departments must provide child care services, to the extent funding is available, for low-income families who need child care support for employment, education and/or training activities.</p>	<p>Citizenship and alien status is determined by eligibility rules identified above for TANF. This component of Child Care is limited to VIEW and TANF customers only.</p> <p>For Head Start Wrap Around Child Care and FEE Child Car, children served must be US citizens or qualified aliens. Applicants must declare citizen/alien status by signing the Affidavit of US Citizenship or Legal Presence in the United States form. Local DSS's must accept the parent's declaration unless there is reason to question the validity of the declaration. Procedures for verifying citizenship and qualified alien status includes use of the Systematic Alien Verification for Entitlements (SAVE) Program and a documentation process similar to Medicaid above.</p>	Not applicable. Illegal aliens are not eligible.
Fraud Prevention and Investigations	SHHR.DSS066 Local Social Service departments must establish fraud prevention and investigation units in compliance with State Board of Social Services regulations.	The Fraud team investigates possible improper payments for all DSS benefit programs. These programs all have citizenship and alien requirements. If an individual commits fraud, repayment is pursued regardless of citizenship or alien status. In some cases court action is taken.	Not-applicable
Screening and Information and Referral: this activity is conducted as part of the eligibility and service programs intake process. Referrals are also made to other government departments, specialized service providers and community human service organizations.	Screening and I&R for DSS programs are based on regulations for individual program listed above (TANF, Food Stamps, Medicaid, Energy Assistance, etc).	<p>Citizenship and alien status verification requirements are identified for DSS program participation.</p> <p>Citizenship and alien status are not evaluated for referrals to organizations outside of DSS. That</p>	Not applicable. Screening and referral process only.

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
		activity is left up to the agency accepting the referral.	
Emergency Operations--Shelter Management.	<p>Short-term shelter services are specifically exempted from the prohibition against providing certain public services to illegal immigrants. 8 U.S.C. Sec. 1621 authorized the United States Attorney General to publish a list of exempt programs that met the three-part test established by Congress in the personal Responsibility and Work Opportunity Reconciliation Act of 1996. The Attorney General did so, by A.G. Order No. 2353-2001, 66 FR 3613.</p> <p>Virginia law does not expressly permit the restriction of these emergency shelter services to illegal immigrants, so the Dillon Rule may be implicated. If a challenge is made under the Equal Protection Clause, the County will be required to demonstrate at least a rational relationship between restricting the service and the furtherance of a legitimate government goal. It is possible that if a restriction results in denial of shelter to a child a court would apply the heightened scrutiny employed by the Supreme Court in Plyler v. Doe, 457 U.S. 202 (1982).</p>	Not required.	<p>Legal: Strong potential for legal challenge with a restriction.</p> <p>Practical: Failure to provide emergency shelter services during disasters would put individuals at risk. Checking legal status could result in lines to get into the shelter and may put legal residents at risk.</p>

Illegal Immigration Analysis

Agency Name: Department of Social Services

Division Name: Child and Family Services

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
<p>Adult Care: provides services to disabled adults that assist them in remaining in their homes rather than moving to a nursing home or into an assisted living facility. Medicaid screenings for nursing homes and case mgmt for the B. G. District Home.</p>	<p>These services are required by Section 63.2-1600, et seq., VA Code Ann., and its implementing regulations. Those provisions, and the interpretation given to them by state officials, presuppose that all adults meeting the criteria for service will receive it, regardless of legal status.</p> <p>If the state law were changed, that change could be challenged under the Constitution. While we do not expect that a court would apply the holding in Plyler v. Doe, 457 U.S. 202 (1982), to require a heightened justification, because the disadvantaged would be adults and not children, the government would still be required to show that the restriction bears a reasonable relationship to a legitimate government goal.</p>	<p>Verification for Adult Care and Companion clients is not required per State policy.</p> <p>Clients seeking a nursing home placement and who need Medicaid funding to support their placement are screened and eligibility is determined by the Medicaid Long Term Care Unit. See BECC - Eligibility determination for Medicaid section.</p>	<p>Legal: Potential for legal challenge.</p> <p>Practical: There is no wait list for Adult Care case management services. There is currently a waiting list of 21 clients seeking companion services. The screening process is based on level of functioning and income eligibility. The screening process does not include verification of legal status as this is not required by the state and we have no knowledge that the clients on the waiting list are illegal.</p> <p>Restricting Adult Care services may open up slots for legal residents who are currently on the waiting list. However, those frail elderly and disabled adults who are restricted from receiving services may not be able to obtain services to help keep them safe in their homes. These cases may result in additional APS cases or increased calls to fire and rescue.</p>
<p>Adult Protective Service Investigations</p>	<p>See above.</p>	<p>Verifications for Adult Protective Services Investigation clients is not required per State policy.</p>	<p>Legal: Potential for legal challenge to a restriction.</p> <p>Practical: Frail, elderly and disabled persons might be unsafe in our community and may be victims of abuse and neglect.</p>
<p>Child Protective Services</p>	<p>This service is mandated by Section 63.2-1500, et seq, VA Code Ann., and implementing regulations promulgated by the Virginia Department of Social Services. These</p>	<p>Verifications for Child Protective Services Investigation clients is not required per State policy.</p> <p>There is no Federal of State</p>	<p>Legal: No authority at present under state law to restrict. If the state were to confer the authority, we expect the state action would be met with a strong, and likely successful, legal</p>

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
	<p>provisions, and the manner in which they have been interpreted by state officials and the courts, presuppose that child protective services will be extended to abused and neglected illegal immigrant children. Even if the state provisions were changed to restrict the services, the restriction would be open to legal challenge under the U.S. Constitution. We would expect a court applying the holding in Plyler v. Doe, 457 U.S. 202 (1982) to extend its reasoning to services protecting the lives and safety of children. In such a case, we would expect that a government would be required to show that its restriction of child protective services is rationally related to a substantial government goal. We would also expect such a restriction to be struck down..</p>	<p>requirements for reporting an Unaccompanied Alien Child.</p> <p>If the child has a criminal background the agency may contact ICE or the Consulate, however this is not an automatic deportation.</p> <p>When considering placement with relatives who have no lawful immigration status, complete regular CPS and criminal records checks.</p>	<p>challenge.</p> <p>Practical: Vulnerable children may be continuously abused and/or neglected or be at risk for abuse and/or neglect if protective services are not provided to them.</p>
<p>Family Treatment: provides case management and case monitoring services to families, including those who have been referred as a result of a CPS complaint. The basis for the family receiving services is the determination by CPS that the child is abused or neglected, or is at risk of becoming abused or neglected..</p>	<p>See above</p>	<p>Verification for Family Treatment clients is not required per State policy.</p>	<p>Legal: No authority at present under state law to restrict. If the state were to confer the authority, we expect the state action would be met with a strong, and likely successful, legal challenge.</p> <p>Practical: Vulnerable children may be abused and/or neglected or re-abused and/or re-neglected if family treatment and case monitoring are not provided. Children may not be able to be safely maintained in their homes and therefore may be placed in foster care.</p> <p>We also anticipate the following possibility: A child in need of</p>

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
			<p>services will be an American Citizen by birth but their parents may be illegal immigrants. The child will be entitled to services. Evidenced-based best practice guidelines calls for children to be treated within their family system or unit in order to achieve the best outcomes.</p>
<p>Foster Care: case management for children placed in foster care. Recruit and train foster parents. Place children in adoptive homes. Conduct inter-state, intra-state and adoptive home studies.</p>	<p>See above.</p>	<p>Verification for Foster Care clients is not required per State policy.</p>	<p>Legal: No authority at present under state law to restrict. If the state were to confer the authority, we expect the state action would be met with a strong, and likely successful, legal challenge.</p> <p>Practical: Should children remain in unsafe homes, they may suffer from re-abuse and/or re-neglect.</p> <p>If a foster child is an Unaccompanied Alien and has a goal of permanent foster care or independent living then the agency needs to initiate the process of legalization or apply for refugee status</p> <p>If there is a founded case of child abuse and neglect and the parents of the child are to be deported; it is likely that the child would have to remain in foster care as it would be unsafe for the child to return to the parents custody.</p> <p>If a foster child is an American Citizen but his parents are illegal immigrants and are deported then the child would remain in foster care.</p>

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
			<p>If a child remains in foster care and their parent is deported then the child would be unable to work towards the goal of return home. Other goals would have to be explored with the child such as permanent foster care or adoption.</p>
<p>Prevention and Assessments: Works w/ families identified as being at high risk of child abuse/neglect to prevent abuse/neglect from occurring.</p>	<p>See above.</p>	<p>Verification for Prevention Services is not required per State policy.</p>	<p>Legal: No authority at present under state law to restrict. If the state were to confer the authority, we expect the state action would be met with a strong, and likely successful, legal challenge.</p> <p>For those cases that are court ordered, DSS would not be in compliance with the court orders that order the Department to provide home studies and assessments.</p> <p>Practical: Should services be restricted then more children may be abused and/or neglected or have to come into foster care.</p> <p>There is no waiting list for prevention services. Because there is no verification required by the state there is no way to determine what percentage of the caseload is represented by non-citizens.</p>
<p>Promoting Safe and Stable Families: The following community based programs are funded in Prince William County: Healthy Families (Northern Virginia Family Services);</p>	<p>See above.</p>	<p>Verification for Promoting Safe and Stable Families clients is not required per State policy</p>	<p>Legal: No authority at present under state law to restrict. If the state were to confer the authority, we expect the state action would be met with a strong, and likely successful, legal</p>

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
<p>Parent Education (Cooperative Extension); Respite Care(ARC of Greater Prince William); Resource Mothers (Health Department); Primary Health Care Van (Prince William Community Health Center); Family Health Connection Van (Prince William Hospital); Family Reunification Program (Prince William DSS)</p>			<p>challenge.</p> <p>Practical: Vulnerable children may be at risk for abuse and/or neglect. This program is aimed at preserving the family unit through early intervention. A child may be a citizen while his/her parents may be illegal immigrants.</p>

Illegal Immigration Analysis

Agency Name: Department of Social Services

Division Name: Residential Services Division

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
<p>Juvenile Detention Center</p>	<p>Youth are court-ordered into the facility. The facility must operate in compliance with state licensing standards, which do not currently authorize differential treatment for illegal aliens committed to the facility.</p> <p>With respect to treatment in the facility, illegal immigrants are covered by the Equal Protection Clause of the U.S. Constitution, which applies, among other rights, the Eighth Amendment right to be free of cruel and unusual punishment. Where a service must be provided in the JDC to any of the detainees under the Eighth Amendment, a decision to deny it to some based only on immigration status would likely offend the Constitution.</p> <p>VA Code 16.1-309.1 H.--Exception as to Confidentiality-- Notwithstanding any other provision of Article 12 (§ 16.1-299 et seq.), an intake officer shall report to the United States Immigration and Customs Enforcement Agency a juvenile who has been detained in a secure facility based on an allegation that the juvenile committed a violent juvenile felony and who the intake officer has probable cause to believe is in the United States illegally.</p>	<p>N/A</p>	<p>NOTE for all Residential Services programs: Because these programs involve clients that are involved in the criminal justice program, the county can explore options with federal immigration authorities.</p> <p>Residents are ordered into the JDC via court orders and the JDC must accept them into custody regardless of their immigration status.</p> <p>County can explore with the Immigration and Customs Enforcement (ICE) the possibility of a program similar to 287(g) at the ADC.</p>

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
Molinari Juvenile Shelter	See above. While this is not a locked facility, most of the residents are placed there by order of a court.	N/A	Residents are ordered into the MJS via court orders on most occasions. The impact of restricting illegal aliens from the MJS would be not placing youth who the courts have determined need to be placed out of the community and into supervision to prevent potential crimes thereby placing the community at risk.
Group Home for Boys	See above. This program has edibility criteria for admittance, which do not currently take immigration status into account. Further, this program must operate in compliance with state licensing regulations, which currently do not authorize differential treatment of residents based on immigration status.	N/A	Restricting illegal immigrants from services will impact when a referring agent is court ordered to make a referral to the program. Youth must be approved by the Group Home staff and the Admissions Committee to enter the program, as the program does not have to accept all referrals. Clients are required to have access to medical services and their ability to receive Medicaid to cover medical care may impact their admittance to the Group Home. There also may a drop in utilization if illegal immigrants are restricted from services. The Group Home does have a waiting list at times and it is conceivable that if services to an illegal immigrant were restricted, that this would open a slot on the waiting list for legal citizens. However, currently there is no ability to track this to define the specific impact. Most youth placed at the Group Home for Boys have incurred charges with the court system. Illegal immigrants who need out of home placements for difficulties in the community would not be eligible for the supervision provided by the program and prevention of potential crimes to the

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
			<p>community would be reduced.</p> <p>Note: If child does not go to Group Homes the child may have to go into the Juvenile Detention Center.</p>
Group Home for Girls	See above.		<p>Restricting illegal immigrants from services will impact when a referring agent is court ordered to make a referral to the program. Youth must be approved by the Group Home staff and the Admissions Committee to enter the program, as the program does not have to accept all referrals. Clients are required to have access to medical services and their ability to receive Medicaid to cover medical care may impact their admittance to the Group Home. There also may a drop in utilization if illegal immigrants are restricted from services. The Group Home does have a waiting list at times and it is conceivable that if services to an illegal immigrant were restricted, that this would open a slot on the waiting list for legal citizens. However, there is no ability to track this to define the specific impact. Most youth placed at the Group Home for Boys have incurred charges with the court system. Illegal immigrants who need out of home placements for difficulties in the community would not be eligible for the supervision provided by the program and prevention of potential crimes to the community would be reduced.</p> <p>Note: If child dos not go to Group Homes the child may have to go to the Juvenile Detention Center.</p>

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
<p>Outreach to Detention/Electronic Monitoring</p>	<p>See above.</p>	<p>N/A</p>	<p>Residents are ordered into the OTD/EM program via court orders and sometimes referrals from the Court Services Unit. The impact of restricting illegal immigrants from the OTD/EM would be not placing an illegal immigrant into intensive pre-hearing supervision and/or electronic monitoring in order to prevent other potential crimes to the community while a youth awaits their court date thereby placing the community at risk.</p>
<p>Homeless Services Winter Shelter Homeless Intervention Program Hilda Barg Homeless Prevention Center Homeless Agencies Memorandums of Understanding with ACTS, Inc., Good Shephard Housing Foundation, Norther Virginia Family Services and SERVE, Inc.</p>	<p>Short-term shelter services are specifically exempted from the prohibition against providing certain public services to illegal immigrants. 8 U.S.C. Sec. 1621 authorized the United States Attorney General to publish a list of exempt programs that met the three-part test established by Congress in the personal Responsibility and Work Opportunity Reconciliation Act of 1996. The Attorney General did so, by A.G. Order No. 2353-2001, 66 FR 3613.</p> <p>Virginia law does not expressly permit the restriction of these emergency shelter services to illegal immigrants, so the Dillon Rule may be implicated. If a challenge is made under the Equal Protection Clause, the County will be required to demonstrate at least a rational relationship between restricting the service and the furtherance of a legitimate government goal. It is possible that if a restriction results in denial of shelter to a child a court</p>	<p>N/A</p>	<p>The impacts of restricting illegal immigrants to receive Homeless services would be that they would be in the streets and not in the shelters during extreme weather. A potential rise in the number of homeless in Prince William County is possible as illegal immigrants would not qualify for any of the programs available to prevent homelessness to include the Homeless Intervention Program (HIP) which provides short term rental and mortgage assistance and housing counseling to low income individuals or families residing in a homeless shelter or transitional housing program and meet other program criteria. The HIP program does not have a waiting list. There is a potential cost savings if the program is restricted.</p> <p>Other programs and community resources dedicated to eradicating homelessness are the County through the Department of Social Services has contracted with Volunteers of</p>

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
	<p>would apply the heightened scrutiny employed by the Supreme Court in Plyler v. Doe, 457 U.S. 202 (1982).</p>		<p>America to run the Hilda Barg Homeless Prevention Center a facility that allows up to 30 families to stay up to 51 days, and finally Homeless Agencies Memorandums of Understanding and funding provided with ACTS, Inc., Good Shephard Housing Foundation, Norther Virginia Family Services and SERVE, Inc.(make note DSS has partnered with the CCoM to run the Drop-In Center at the Winter Shelter site) for services would impact these community partners from rendering service with County funding to illegal immigrants.</p>

Illegal Immigration Analysis

Agency Name: Office on Youth

Division Name: Youth Services and School Age Care

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
<p>School Age Care -- before and after school child care, currently provided at 44 Prince William County Public elementary schools.</p>	<p>This service is not mandated by law. If it were restricted based on immigration status, and an Equal Protection challenge is made, the County would be required to show a rational relationship between the restriction and the furtherance of a legitimate government objective. It is possible that a court which views this service as related to a child's ability to access a free public education could hold the County to a heightened standard for justifying the restriction applied by the Court in Plyler v. Doe, 457 U.S. 202 (1982).</p>	<p>N/A</p>	<p>Legal: Potential for legal challenge to a restriction.</p> <p>Practical: It may be possible that children will be left unsupervised before and after school. No cost savings. Paid for by parents. No county dollars. Restricting service could result in higher costs to remaining participants.</p>
<p>Information and Referral -- people call or walk in to the office for information related to youth services of any type, from any source, available in the County.</p>	<p>The Virginia Freedom of Information Act (FOIA), guarantees access to public records to residents of the Commonwealth. The County lacks legal authority at this point to interpret FOIA to limit access to public records to illegal aliens who reside in the Commonwealth. To the extent this service is required by FOIA, a restriction based on legal status would be open to challenge.</p>	<p>N/A</p>	<p>Legal: Potential challenge where FOIA requires the service.</p> <p>Practical: Illegal immigrant youth will not benefit from the services provided by the Office on Youth</p>
<p>Community Education -- provides educational materials relating to youth concerns for Prince William County residents. Distribution of written materials at community events, public service announcements on cable, etc. .</p>	<p>See above.</p>	<p>N/A</p>	<p>See above.</p>
<p>Youth services youth after school and community based programming -- these are the programs provided after</p>	<p>This service is not mandated by law. If it were restricted based on immigration status, and an Equal</p>	<p>N/A</p>	<p>Illegal immigrant youth will not benefit from the services provided by the Office on Youth</p>

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
<p>school, in the school setting, and in the community, in community centers or public buildings, for adolescents.</p>	<p>Protection challenge is made, the County would be required to show a rational relationship between the restriction and the furtherance of a legitimate government objective. It is possible that a court which views this service as related to a child's ability to access a free public education could hold the County to a heightened standard for justifying the restriction applied by the Court in Plyler v. Doe, 457 U.S. 202 (1982). We believe that we can demonstrate that this service is not essential to access a free public education, so a court should apply the rational relationship test.</p>		
<p>Volunteer programming -- train 300 teen volunteers annually to assist in planning, promoting and staffing youth substance abuse, and violence prevention programs as well programs of interest to youth</p>	<p>See above.</p>	<p>N/A</p>	<p>Illegal immigrant youth will not benefit from the services provided by the Office on Youth</p>
<p>Alternative recreation -- a non-school based program providing structured recreational events with youth education messages for adolescents..</p>	<p>See above.</p>	<p>N/A</p>	<p>Illegal immigrant youth will not benefit from the services provided by the Office on Youth</p>
<p>Youth conference and workshops -- provided for adolescents on topics such as substance abuse, violence, suicide and teen pregnancy prevention..</p>	<p>See above.</p>	<p>N/A</p>	<p>Illegal immigrant youth will not benefit from the services provided by the Office on Youth</p>
<p>Workshops and trainings for youth serving professionals and community -- workshops for adults working with adolescents on youth concerns such as substance abuse, violence, suicide, teen pregnancy..</p>	<p>See above.</p>	<p>N/A</p>	<p>Illegal immigrant youth will not benefit from the services provided by the Office on Youth</p>
<p>Youth Leadership -- leadership development classes (15 hour training program) for adolescents, who are</p>	<p>See above.</p>	<p>N/A</p>	<p>Illegal immigrant youth will not benefit from the services provided by the Office on Youth</p>

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
required, in order to complete it, to design a prevention program on a youth issue to be given in the community			
Youth Programming and Coalition Building -- support numerous community coalitions in their work on youth issues (underage drinking, suicide prevention and teen pregnancy prevention are programs in which many citizens are involved) through such assistance as planning programs, writing grant applications, etc.	See above.	N/A	Illegal immigrant youth will not benefit from the services provided by the Office on Youth

Illegal Immigration Analysis

Agency Name: Public Health

Division Name: _____

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
Childhood Immunizations	<p>Note: The legal analysis provided in this form has been provided by the Health Department. It is represented by the Attorney General of Virginia. Its analysis of the relevant legal provisions, which it provided to the County Executive as a courtesy, is now transmitted to the Board. Legal questions regarding the obligations and powers of the Health Department are more appropriately addressed by the Attorney General than by the County Attorney.</p> <p>The Health Department is a state agency, administered by the state; therefore the influence the BOCS has is through the legislative process or through the County's budget process.</p> <p>32.1-46</p>	No	<ol style="list-style-type: none"> 1. Increase in vaccine preventable morbidity and mortality 2. Increase in community outbreaks 3. Increase in utero transmission and associated complications
STD Screening, diagnosis, treatment, surveillance	32.1-57	No	<p>Spread of venereal diseases and potential complications associated</p> <ol style="list-style-type: none"> 1. congenital infections 2. preterm rupture of membranes and delivery 3. increase in infant mortality 4. pelvic inflammatory disease and infertility 5. increase in liver cancer 6. increase in penile, vaginal, and cervical cancer
Surveillance and investigation of disease	32.1-35, 32.1-39	No	<ol style="list-style-type: none"> 1. Inaccurate information on health status of the community 2. Inability to limit the risk or spread of disease 3. Inaccurate information on

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
			case numbers which may affect funding 4. Unidentified disease reservoirs
HIV/AIDS surveillance, investigation, and sero prevalence	32.1-36,32.1-36, 32.1-36	No	1. Inability to limit the spread of disease 2. Increase in AIDS cases due to lack of HIV cases treated with medications 3. Increase in HIV transmission to children (in utero) 4. Increase in hospitalizations secondary to opportunistic infections 5. Increase in reportable diseases in the community i.e. TB 6. Increase mortality
Tuberculosis screening and control	32.1-49,32.1-54	No	1. Increase Community spread including drug resistant TB 2. Increase mortality 3. Increase in hospitalizations 4. Decrease in funding secondary to less cases treated/diagnosed
Children Specialty Services and parent teaching	32.1, 32.1-89,32.1-90	No	1. Increase neglect and abuse 2. Increase in accidental death and injury 3. Increase in hospital and doctor visits 4. Increase in preventable medical complications
Screening for genetic traits and inborn errors of metabolism	32.1-65, 32.1-69	No	1. Increase in preventable morbidity and mortality 2. Increase in hospital and doctor visits 3. Increase in medical
WIC	Federal Grant Requirement – cannot restrict.	No	1. Poor pregnancy outcomes 2. Increase in infant mortality

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
			<ol style="list-style-type: none"> 3. Increase in neural tube defects 4. Increase in preterm births 5. Poor child nutritional status 6. Increase in childhood illnesses secondary to poor nutrition 7. Poor school performance 8. Loss of income in the community
Alternative Discharging Sewage System	32.1-163	No	<ol style="list-style-type: none"> 1. Pollution of water and soil. 2. Increased morbidity 3. Increase hospital and doctor visits
Onsite sewage disposal	32.1-163	No	Same as above
Rabies Control	3.1-796.97-98	No	<ol style="list-style-type: none"> 1. Increase in mortality and morbidity 2. Increase in hospital and doctor visits 3. Inability to limit spread in animals and potentially humans
Restaurant/eating establishments	35.1.14	No	<ol style="list-style-type: none"> 1. Increase in morbidity and mortality 2. Inability to limit the spread of disease 3. Increase doctor and hospital visits
Single home sewage discharge	32.1-164	No	<ol style="list-style-type: none"> 1. Increase morbidity and mortality 2. Increase doctor and hospital visits 3. Pollution of water and soil
Wells	32.1-176.2	No	Same as above
Daycare food service	DSS MOA	No	<ol style="list-style-type: none"> 1. Increase morbidity and mortality 2. Increase doctor and hospital visits 3. Inability to limit the spread of disease

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
Medicaid Nursing Home Screening	DMAS MOA	Yes (Medicaid)	Proper placement of fragile individual in need and families in need of support
Comprehensive Services Act	2.1-746, 2.1-751, 2.1-752, 2.1-753, 2.1-754, 2.1-747	No-services not prohibited to undocumented aliens	<ol style="list-style-type: none"> 1. Child neglect and abuse 2. Poor school performance 3. Untreated mental illness and potential risks associated 4. Increase in behavior issues and the risks associated
Blood lead testing	Federal requirement	No	<ol style="list-style-type: none"> 1. Increase in morbidity 2. Preventable mental retardation 3. Preventable development of poor language and cognitive skills 4. Preventable anemia 5. Preventable neurological disorders
Outreach	The Virginia Freedom of Information Act (FOIA) guarantees access to public records to residents of the Commonwealth. The County lacks legal authority at this point to interpret FOIA to limit access to public records to illegal aliens who reside in the Commonwealth. To the extent this service is required by FOIA, a restriction based on legal status would be open to challenge.	No	<ol style="list-style-type: none"> 1. Increased morbidity and mortality 2. Difficulty in limiting the spread of disease, health education, emergency preparedness information
Community Education	32.1-11.3, 32.1-23	No	Same as above
Prenatal and Postpartum Care	32.1-77, Title X, Social Security Act	No	<ol style="list-style-type: none"> 1. Increase in infant mortality, low birth weight, preterm deliveries, poor pregnancy outcomes, congenital anomalies 2. Increase hospital costs 3. Increase in undetected and untreated postpartum depression, chronic diseases,

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
			abnormal pregnancies i.e. ectopic, molar
Women's Wellness Services	Family Planning Research Act of 1970, Title X	No	<ol style="list-style-type: none"> 1. Increase in unwanted pregnancies 2. Increase in child neglect and abuse 3. Increase in cervical cancer 4. Increase in more advanced less treatable breast cancer 5. Increase in undetected colon cancer 6. Increase in preventable chronic diseases and complications 7. Increase in undetected skin cancer
Pregnancy Testing	Same as above	No	<ol style="list-style-type: none"> 1. Increase neglect and abuse 2. Late entry into prenatal care and WIC services, 3. Increased pregnancy complications associated with poor preconceptual care and education
Ice Cream and Frozen Desserts	MOA with Agriculture	No	Increase in food borne illness
Investigation of Communicable Disease	32.1-35, 32.1-39	No	<ol style="list-style-type: none"> 1. Increased morbidity and mortality 2. Inability to limit the spread of disease 3. Increase in doctor and hospital visits 4. Increase in congenital infections 5. Increase in community acquired infections
Vital Records	32.1-254, 32.1-255, 32.1-272	No	Must do regardless if a death from our community
Early Intervention		No	<ol style="list-style-type: none"> 1. Increase in abuse and neglect 2. Poor school performance
Disaster and Terrorism Plan and Response	Mandate	No	A Necessary Partner IN The Community Response

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
Foreign Travel Immunizations		No	Loss of income
ADAP	Mandate	No	<ol style="list-style-type: none"> 1. More advanced disease (AIDS) 2. Increase in morbidity and mortality 3. Increase in the spread of communicable disease
Dental Care Seniors	Not Mandated	No	<ol style="list-style-type: none"> 1. Inappropriate use of the ED 2. Poor health and nutrition
Dental Care Children	Not Mandated	Medicaid and Non-medicaid	<ol style="list-style-type: none"> 1. Poor nutrition and health 2. Poor school performance 3. Inappropriate ED visits 4. Potential mortality and morbidity
Insect, Rodent, Solid Waste, Swimming facilities	Local ordinance	No	<ol style="list-style-type: none"> 1. Increase morbidity and mortality 2. Increase in doctor and hospital visits
Smoking Ordinance	Same as above	No	
Well Permits	Same as above	No	Increase in morbidity and mortality from nonfunctioning systems
Massage Establishments	Same as above	No	
Well Drillers Permit	Same as above	No	
Nuisances	Same as above	No	<ol style="list-style-type: none"> 1. Increase in morbidity and mortality 2. Decrease in community quality of life 3. Increase health risks

Illegal Immigration Analysis

Agency Name: Adult Detention Center

Division Name: _____

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
Incarceration of Adults and certified juveniles	Code of Virginia, Chapter 53.1, VA Department of Corrections Minimum Standards for Jails and Lockups, the U.S. and VA Constitutions, and relevant case law	Verification of Identity relevant to the committing documents is required for incarceration and is accomplished through prisoner processing	Service cannot be restricted because incarceration commitment process is taken as a result of police and court action, and treatment of prisoners is governed by law, and regulation.
Executive Management		ADC 287(g) Program - to identify	These inmates with ICE detainers will
Inmate Security		criminal illegal immigrants and initiate	not be permitted to be placed on work
Classification/Treatment		detainers to hold for deportation	force, work release, home
Support Services		proceedings when necessary.	incarceration, drug offenders and
Inmate Health Care		A process to notify the Magistrate for	rehabilitation dorms.
Inmate Rehabilitation		bond modifications in the event the	
		arrestee is an illegal immigrant.	

Illegal Immigration Analysis

Agency Name: Clerk of Circuit Court

Division Name: Clerk's Office

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
<p>All Services other than Office of Dispute Resolution</p>	<p>Note: The legal analysis provided in this form has been provided by the Clerk of the Circuit Court, who is an independent Constitutional Officer, represented by the Attorney General of Virginia. Its analysis of the relevant legal provisions, which it provided to the County Executive as a courtesy, is now transmitted to the Board. Legal questions regarding the obligations and powers of the Clerk of the Circuit Court are more appropriately addressed by the Attorney General than by the County Attorney.</p> <p>Code of Virginia, City and County Ordinances</p> <p>These services support the operation of the Circuit Court. Therefore, the legal issues that arise when considering whether to restrict based on legal status are not implicated by these services.</p>	<p>N/A</p>	<p>All Services Mandated. They are provided to support the operations of the Circuit Court, and therefore, they benefit the community at large rather than particular individuals.</p>

Illegal Immigration Analysis

Agency Name: Clerk of Circuit Court

Division Name: Office of Dispute Resolution (ODR)

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
ODR Mediation	<p>Note: The legal analysis provided in this form has been provided by the Clerk of the Circuit Court's Office of Dispute Resolution. The Clerk is an independent Constitutional Officer, represented by the Attorney General of Virginia. Its analysis of the relevant legal provisions, which it provided to the County Executive as a courtesy, is now transmitted to the Board. Legal questions regarding the obligations and powers of the Clerk of the Circuit Court are more appropriately addressed by the Attorney General than by the County Attorney.</p> <p>There are currently no legal provisions prohibiting this service to illegal immigrants.</p>	N/A	<p>Parties involved in neighborhood disputes, tenant-landlord matters, business disputes, etc. in General District and Small Claims Court and families involved in domestic relations/divorce conflicts regarding custody, visitation, support and equitable distribution --- whether self-referred or ordered by a judge --- would be denied services and would have to go to court to litigate rather than settling these matters out of court with the assistance of a certified mediator.</p>
ODR Restorative Justice	See above.	N/A	<p>Juvenile offenders ordered to participate in the Restorative Justice Program by a judge or by juvenile probation in order to learn about the impact of their crimes, to be held fully accountable for their crimes and to repair the harm they have done to the victims of their crimes will be denied services and will go to court instead.</p>

Illegal Immigration Analysis

Agency Name: Department of Fire and Rescue

Division Name: Community Safety Program

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
<p>FMO/Code Compliance, Investigations, Plans Review</p>			
<p>Arrests for criminal acts or code non-compliance</p>	<p>As noted in previous correspondence to the Board for September 18, 2007, work session on Police response to illegal immigration. The Fire Marshal and his assistants are law enforcement officers under the Virginia Code. They do not have direct enforcement authority for federal immigration laws, but do have investigative authority in appropriate cases to inquire into immigration status.</p>	<p>Follow PD procedure, as outlined in the 9/18 Police Dept. presentation.</p>	<p>N/A</p>
<p>Inspections</p>	<p>Statewide Fire Prevention Code/PWC Chapter 9. These provisions do not contain express authorization to restrict services based on immigration status, so the Dillon Rule may have some application. Ownership of property specifically permitted to “non-enemy aliens” to the same extent as ownership rights are enjoyed by citizens -- §55-1, VA Code Ann. Denial of inspections and permits, if it results in denial of occupancy or rights to use property, could be challenged under the U.S. Constitution and Virginia law</p>	<p>Not required</p>	<p>Legal: Strong potential for legal challenge to a restriction.</p> <p>Practical: This is a regulatory function. Ensuring compliance with building codes is primarily done to benefit the community at large. Inspections and reviews are scheduled over the phone and electronically on the Web (which is a huge efficiency). If residency status were checked prior to review, developers and citizens would have to come into the office which would create office traffic, additional workload and administrative costs, and delays in service delivery.</p>

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
FMO/Community Relations			
Public Education Programs	<p>To the extent these services are rendered in a public school setting, any attempt to separate illegal immigrant school children from their classes to exclude them from receiving fire safety education would likely be disfavored by a court under Plyler v. Doe, 457 U.S. 202 (1982).</p> <p>To the extent these services are not rendered in a public school setting, they are not mandated by any law. Therefore, if a restriction is challenged, we would be required to show a rational relationship between that restriction and a legitimate government objective. While a court may afford special protection to children under Plyler v. Doe, 457 U.S. 202 (1982), we think it likely that a court will determine this service to be a public benefit for adults, and would likely uphold a restriction for adults.</p>	Not required.	<p>Services include public education and information campaigns on topics such as sprinklers, child seat safety, open air burning, etc for homeowners, businesses and special interest groups. Currently, DFR does not check verification of legal status and would need to start. Typically, citizens just show up and in some cases, registration is accepted over the phone. For advance registration, citizens would need to show up at a DFR office or fire station to show proof of legal status. For non-advance registration programs, a check in would have to be established to verify legal status. It is anticipated, due to the inconvenience, that some citizens would be unwilling to schedule such a visit in advance. Also, existing staffing is insufficient to administer this screening process.</p> <p>Restricting bi-lingual public education programs could have negative effects on the community. With respect to the Car Seat Safety Program, motor vehicle crashes are the leading cause of death among children in the U.S. and most of these can be prevented. In the U.S. during 2005 (latest data available), 1,451 children ages 14 and younger died as occupants in vehicle crashes and approx. 203,000 were injured. That is an average of 4 deaths and 556 injuries per day. Of these deaths, nearly 50% were unrestrained. Thus,</p>

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
			aggressive public education campaigns to properly restrain children in car seats could save up to 715 deaths. (Source: U.S. Dept. of Health and Human Services, Centers for Disease Control and Prevention)
Office of Emergency Management			
Hazardous Materials Response and Regulation	Virginia Emergency Services and Disaster Laws Title 44 Superfund Amendments and Reauthorization Act (SARA Title III)	Verification would only be required if a responsible party were to become involved in a situation where an enforcement action was required. Then PD procedures would be followed.	The HazMat Program responds to emergency situations where hazardous materials are spilled or otherwise impact the County. Response and mitigation of hazardous materials incidents impacts the safety of the community as a whole.
Disaster Response	NRP - Stafford Act	Coordinating County's disaster response and educating the public on how to be prepared. Verification not required. Illegal immigrants do not receive federal or state disaster relief, as residency verification is needed.	Disaster response impacts the safety of the community as a whole.

Illegal Immigration Analysis

Agency Name: Department of Fire and Rescue

Division Name: Systems Support Program

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
Human Resources/Training & Personnel	This service supports County employees in performing their work functions. The County is required by federal law to ascertain legal status of its employees upon hire. Therefore, the legal issues that arise when considering whether to restrict based on legal status are not implicated by this service.	N/A	The service supports County employees in their work functions, not individual members of the public.
Logistics	This service supports County employees in performing their work functions. The County is required by federal law to ascertain legal status of its employees upon hire. Therefore, the legal issues that arise when considering whether to restrict based on legal status are not implicated by this service.	N/A	The service supports County employees in their work functions, not individual members of the public.
Management Services	This service supports County employees in performing their work functions. The County is required by federal law to ascertain legal status of its employees upon hire. Therefore, the legal issues that arise when considering whether to restrict based on legal status are not implicated by this service. This service supports County employees in performing their work functions. The County is required by federal law to ascertain legal status of its employees upon hire. Therefore, the legal issues that arise when considering whether to restrict based on legal status are not implicated by this service.		The service supports County employees in their work functions, not individual members of the public.

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
<p>Administrative Support; Phone Reception</p>	<p>This service supports County employees in performing their work functions. The County is required by federal law to ascertain legal status of its employees upon hire. Therefore, the legal issues that arise when considering whether to restrict based on legal status are not implicated by this service.</p> <p>The Virginia Freedom of Information Act (FOIA) guarantees access to public records to residents of the Commonwealth. The County lacks legal authority at this point to interpret FOIA to limit access to public records to illegal aliens who reside in the Commonwealth. to the extent that phone reception service is required by FOIA, a restriction based on legal status would be open to challenge.</p>	<p>N/A</p>	<p>To some extent the service supports County employees in their work functions, not individual members of the public.</p> <p>.Customer Service on phone inquiries and referral may be inhibited; Verification of immigration status over the phone is nearly impossible, even if verification could be legally required under FOIA.</p>
<p>Accounting/Payroll/Purchasing</p>	<p>To some extent this service benefits outside vendors. See legal analysis for the Finance Department. In summary, contractors are required to comply with federal law, including prohibitions on hiring illegal immigrant employees.</p> <p>To some extent, this service supports County employees in performing their work functions. The County is required by federal law to ascertain legal status of its employees upon hire. Therefore, the legal issues that arise when considering whether to restrict based on legal status are not implicated by this service.</p>	<p>PWC Vendor verification -- vendors must have federal Tax I.D. numbers, and it is a requirement of all contracts with the County that a vendor comply with all applicable federal, state and local laws. This includes immigration laws, and County contracts have made specific mention of this since July 1, 2007.</p> <p>Currently, vendors self register on the County's e-procurement website. In order to conduct business with the County, vendors must register a valid Social Security Number (SSN) or Employer Identification Number (EIN). The Finance Department Accounts Payable Office participates</p>	<p>Payroll - The service supports County employees in their work functions, not individual members of the public.</p> <p>Purchasing -- as vendors already self-register, a restriction is practically possible.</p>

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
		<p>in the IRS' Taxpayer Identification Number (TIN) matching program that checks the validity of vendor tax identification numbers. In order for an entity to obtain a EIN, it must be located in the U.S. or U.S. Territories and the principal officer, general partner, grantor, or owner must have a valid TIN. There are however individuals that may obtain an Individual Taxpayer Identification Number (ITIN). This number is a tax processing only number available for certain nonresident and resident aliens who cannot obtain an SSN. These numbers always begin with the number "9" and are formatted like a SSN. The matching process with the IRS is currently performed on an annual basis. However, this process does not ensure that vendors with whom the County conducts business with employs only U.S. Department of Homeland Security Form I-9 eligible employees. .</p>	
Budget	<p>This service supports County employees in performing their work functions. The County is required by federal law to ascertain legal status of its employees upon hire. Therefore, the legal issues that arise when considering whether to restrict based on legal status are not implicated by this service.</p>	N/A	<p>Budget analysis, development and implementation are done for the benefit of the community as a whole and not for the benefit of any one individual or group of individuals.</p>
Planning and Information Technology	<p>This service supports County employees in performing their work functions. The County is required by federal law to ascertain legal status of</p>	N/A	<p>The service supports County employees in their work functions, not individual members of the public.</p>

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
	<p>its employees upon hire. Therefore, the legal issues that arise when considering whether to restrict based on legal status are not implicated by this service.</p>		

Illegal Immigration Analysis

Agency Name: Department of Fire and Rescue

Division Name: Operations Program

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
Emergency Response	See EMS section below	N/A	see below
	Code of Virginia - Title 27. No current authorization to deny service to anyone in need based on legal status.	N/A	Restricting services may impact the receipt of State revenue for this program activity. The National Institute of Standards and Technology (NIST) conducts research on fire predictive methods and spread. The professional research from NIST reports that any undue delays experienced prior to engaging in firefighting efforts (including checking residency or owner status) allows for additional fire spread, increased use of resources and expense, and increased safety risks associated with those delays.
	Code of Virginia - Title 32.1	N/A	Noncompliance would subject the EMS agency to penalties to include citation, suspension, or revocation of agency license and ability to provide emergency medical services within the Commonwealth. Loss of designation as an EMS agency would also impact the receipt of State revenue for this program activity.
	PWC Code - Chapter 9 Fire Prevention and Protection	N/A	Includes the authority to coordinate and establish emergency response policies which are not in conflict with any federal, state or local ordinance.
EMS/Health and Safety	No legal analysis necessary, as the Board indicated in Res 07-609 that it does not intend that emergency medical care or the reporting of a crime or criminal activity to a law enforcement agency be restricted.		

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
	<p>Virginia Office of Emergency Medical Services - Virginia Emergency Medical Services Regulations</p> <p>12VAC 5-31-370</p>	N/A	<p>An EMS agency that responds to medical emergencies for its primary service area shall be a designated emergency response agency (DERA). A DERA is an agency recognized by an ordinance or resolution of the governing body of any county, city or town as an intergral part of the offical public safety program of the county, city or town with a responsibility for providing emergency medical response. Noncompliance would subject the EMS agency to penalties to include citation, suspension, or revocation of agency license and ability to provide emergency medical services within the Commonwealth. Loss of designation as an EMS agency would also impact the receipt of State revenue for this program activity.</p>
	<p>Virginia Office of Emergency Medical Services - Virginia Emergency Medical Services Regulations</p> <p>12VAC 5-31-400 Nondiscrimination</p>	N/A	<p>An EMS agency may not discriminate due to a patient's race, gender, creed, color, national origin, location, medical condition or any other reason. Noncompliance would subject the EMS agency to penalties to include, citation, suspension, or revocation of agency license and ability to provide emergency medical services within the Commonwealth. Loss of designation as an EMS agency would also impact the receipt of State revenue for this program activity.</p>
	<p>Virginia Office of Emergency Medical Services - Virginia Emergency Medical Services Regulations</p> <p>12VAC 5-31-1020 Discrimination in</p>	N/A	<p>EMS personnel may not discriminate in the provision of EMS based on race, gender, religion, age, national origin, medical condition or any other reason. Noncompliance would subject the EMS agency to penalties</p>

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
	provision of care.		to include, citation, suspension, or revocation of agency license and ability to provide emergency medical services within the Commonwealth. Loss of designation as an EMS agency would also impact the receipt of State revenue for this program activity.
	PWC Code - Chapter 7 Emergency Services	N/A	Establishes the authority to issue permits to any entity desiring to operate as an EMS agency within the County and states compliance with Virginia Emergency Medical Services Regulations is required. This extends the responsibility to approve any private and commercial entities applying to operate withing the County.

Illegal Immigration Analysis

Agency Name: Juvenile Court Service Unit

Division Name: Public Safety/Judicial Administration

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
<p>INTAKE - Filing of petitions for J&DR Ct addressing custody, visitation, support, family & household abuse, child abuse, Chins offences, juvenile complaints, etc</p>	<p>Note: The legal analysis provided in this form has been provided by the Juvenile Court Services Unit (JCSU). It is represented by the Attorney General of Virginia. Its analysis of the relevant legal provisions, which it provided to the County Executive as a courtesy, is now transmitted to the Board. Legal questions regarding the obligations and powers of the JCSU are more appropriately addressed by the Attorney General than by the County Attorney.</p> <p>The JCSU is a state agency, administered by the state; therefore the influence the BOCS has is through the legislative process or through the County's budget process.</p> <p>§16.1-260 of the Code Of Virginia (COV) directs that the Intake Officer shall file petitions for custody, visitation, support, protective orders in the case of family/household abuse, child abuse and where a child is in need of treatment or services for their health & well being, etc., and where there is probable cause to believe a juvenile has committed a delinquent act.</p>	<p>None required.**</p>	<p>Cannot restrict according to COV.</p>
<p>**Juveniles charged with a violent felony</p>	<p>§16.1-309.1(H) Code of Virginia requires an Intake Officer to report to the US Immigration and Custom Enforcement Agency a juvenile that has been detained in a secure facility charged with a violent felony and who the intake officer has probable cause to believe is in the US illegally.</p>	<p>If the Law Enforcement Officer alleges the juvenile charged with the violent felony is in the country illegally and present evidence to determine probable cause. The Intake Officer may ask the juvenile where they were born. If the response is from another country, a green card is sought. If unable to produce, ICE is notified via fax to the Agent in Charge of this region.</p>	<p>None</p>

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
<p>STANDARD/ INTENSIVE PROBATION SUPERVISION</p> <p>PAROLE SUPERVISION</p>	<p>§16.1-233 and §16.1-235 require the Department of Juvenile Justice to develop and provide probation, parole and other court services for juvenile and domestic relations courts throughout the Commonwealth.</p> <p>§16.1-237 delineates the powers and duties of Probation and Parole Officers to include requirements to aid juveniles to improve their conduct and perform other duties as ordered by a judge.</p> <p>Per §16.1-278 COV probation is one such option for the judge and therefore mandated for adjudicated offenders.</p>	<p>Verification is not required.</p>	<p>A Court order would be violated if the service was denied. Public Safety would be at risk if a convicted individual was not supervised in the community. However, once DJJ funding runs out for parolees, any mental health treatment needs may require that further local services be identified to address them to include therapeutic services, medical insurance and maintenance of any needed medications. These include services to juveniles who may be seriously mentally ill. Not providing these services may result in harm to the individual or others in the community.</p>

Illegal Immigration Analysis

Agency Name: Office of Criminal Justice Services

Division Name: _____

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
<p>Pretrial Defendant Screening and Assessment of ADC population</p>	<p>State Mandated Pretrial Services Program - Code of Va. 19.2-152.2 thru 19.2-152.7 and 53.1-82.1 (Required of local governments receiving jail construction assistance from the State.)</p> <p>Code of Va. 19.2-152.4:3 requires that each local pretrial officer "investigate and interview defendants arrested on state and local warrants and who are detained..." and "Present a pretrial investigation report with recommendations to assist courts..."</p> <p>A restriction could be challenged under the Dillon Rule and the U.S. Constitution's guarantees of equal protection and due process..</p>	<p>N/A</p>	<p>Legal: A restriction in this service based on immigration status could violate applicable mandates. Possible violation of Court orders requiring service to specific individuals if service is denied base on immigrant status. Increased ADC population.</p> <p>Practical: OCJS will continue to do screening and assessments. However, as our 287G procedures evolve, it is increasingly unlikely that illegal immigrants will be released on pretrial or go on post trial probation.</p>
<p>Pretrial Defendant Supervision</p>	<p>State Mandated Pretrial Services Program - Code of Va. 19.2-152.2 thru 19.2-152.7 and 53.1-82.1 (Required of local governments receiving jail construction assistance from the State.)</p> <p>Code of Va. 19.2-152.4:3 requires that each local pretrial officer "Supervise and assist all defendants residing within the jurisdictions served and placed on pretrial supervision..." and "Conduct random drug and alcohol tests on any</p>	<p>N/A</p>	<p>Legal: See above.</p> <p>Practical: OCJS will continue to supervise those defendants ordered by the court. However, as our 287G procedures evolve, it is increasingly unlikely that illegal immigrants will be released on pretrial or go on post trial probation.</p>

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
	<p>defendant under supervision...".</p> <p>See above.</p>		
<p>Post Trial Local Offender Probation</p>	<p>State Mandated Comprehensive Community Corrections Prog Code of Va. 53.1-82.1 and 9.1-173 thru 9.1-183 (Required of governments receiving jail construction assistance from the State.)</p> <p>Offender Eligibility guided by Code of Va. 19.2-303 provides that Court may sentence "Any offender" convicted of a misdemeanor or a felony that is not a felony act of violence under the supervision of a local community-based probation services agency.</p> <p>Code of Va. 9.1-176 requires that any local community-based probation services agency "shall provide to the judicial system the following services as components of local community-based probation supervision: community service; home incarceration with or without electronic monitoring; electronic monitoring; and substance abuse screening, assessment, testing and treatment".</p> <p>Code of Va. 9.1-176.1 establishes duties and responsibilities of local community-based probation officers</p>	<p>N/A</p>	<p>Legal: See above.</p> <p>Practical: OCJS will continue to supervise those offenders ordered by the court. However, as our 287G procedures evolve, it is increasingly unlikely that illegal immigrants will be released on pretrial or go on post trial probation.</p>

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
	<p>that include "supervise and assist all local -responsible adult offenders, residing within the localities served and placed on local community-based probation by any judge of any court within the localities served"; "Conduct, when ordered by a court, substance abuse screenings, or conduct or facilitate the preparation of assessments..."; "conduct, at his discretion, random drug and alcohol tests on any offender whom the officer has reason to believe is engaged in the illegal use of controlled substances or marijuana, or the abuse of alcohol or prescribed medication"; "Facilitate placement of offenders in substance abuse education or treatment programs and services or other education or treatment programs and services based on the needs of the offender".</p> <p>Code of Va. 9.1-181B states that any local community-based probation services agency "shall be available as a sentencing alternative for persons sentenced to incarceration in a local correctional facility or who otherwise would be sentenced to incarceration and who would have served their sentence in a local or regional correctional facility."</p> <p>See above.</p>		

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
Domestic Violence Prevention - Monitoring Final Protective Orders	<p>Code of Va. 16.1-279.1. "Protective order in cases of family abuse.</p> <p>A. In cases of family abuse, the court may issue a protective order to protect the health and safety of the petitioner and family or household members of the petitioner. A protective order issued under this section may include any one or more of the following conditions to be imposed on the respondent: 7. Ordering the respondent to participate in treatment, counseling or other programs as the court deems appropriate"</p> <p>See above.</p>	N/A	<p>Legal: See above.</p> <p>Practical: Not providing service to domestic violence cases may result in further violence to the victim.</p>
Substance Abuse Assessment/Screening, Substance Abuse Groups, Anger Management Groups, Shoplifter Groups	Court orders requiring these screenings, assessment, and services.	N/A	Possible violation of Court order requiring service. Some services provided by vendors and some by Community Service Board.

Illegal Immigration Analysis

Agency Name: Police Department

Division Name: All

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
<p>Crime Prevention and Education (Home and Business Security Surveys, Personal Safety Programs, Neighborhood and Business Watch and other Watch programs (ex. Places of worship, vehicles), Automated Emergency Notification System, Construction Site Security Programs</p>	<p>The County is not required to provide this service. If a restriction based on immigration status were challenged under the Equal Protection Clause, a court would likely require the County to show a rational relationship between the restriction and furtherance of a legitimate government objective.</p>	<p>N/A</p>	<p>Services referenced involve crime prevention and education and deal with home and business safety, personal safety and neighborhood safety. Currently, the Police Dept. doesn't check verification of legal status and would need to start. Typically, registrations for programs are accepted over the phone. Accordingly, the Police Dept. would have to require citizens to come to the police station to show proof of legal status. Approximately 10,000 citizens who currently participate in various programs would have to be screened. It is anticipated, due to the inconvenience, some citizens will be unwilling to schedule a visit to a police station. Accordingly, program participation will decrease. Additionally, existing staffing is insufficient to administer the screening process. Research indicates that if illegal immigrants are restricted from participating in crime prevention and education programs, they may be less likely to recognize and report crime and abuse, be more vulnerable to crime and less likely to work with police to solve community problems. Source: IACP's "Police Chiefs guide to Immigration Issues".</p>

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
Juvenile Programs (Bullying classes, Internet Safety classes, Teen Safe Driving Program, Child Safety Seat Inspections)	See above.	N/A	School Resource Officers are involved with over 19,000 students in regards to juvenile safety related programs. Cooperation with County school officials would be needed to screen these students for legal status and remove illegal immigrant students out of the classroom. Students removed from the classrooms would not receive safety training.
Citizen Academies	See above.	N/A	Approximately 100 people attend various Citizen Academies annually to better understand the responsibilities of the Police Department and various unit functions. These people would have to be screened for legal status.
Solicitor, peddler, itinerant vendor and taxicab permitting services	Section 18.17 of the County Code (Peddler/Vendor) Section 27.82 of the County Code (Taxicab)	Applicants must show proof of citizenship. Only one of two documents will be accepted as proof: a valid U.S. passport or valid naturalization papers. If the applicant is not a U.S. citizen, he or she must show a Resident Alien card, or another official document issued by the ICE or the State Department, before a permit will be issued to the applicant	None
Concealed Weapon Permits (Courts)	Section 18.2-308 of the Code of Virginia requires U.S. Citizenship	Verification of residency is required to be provided at time of application.	Police background checks are conducted to verify legal status and illegal immigrants are not given permits.
Copies of Reports (Accident Reports, Police Incident Reports)	The Virginia Freedom of Information Act (FOIA) guarantees access to public records to residents of the Commonwealth. The County lacks legal authority at this point to interpret FOIA to limit access to public records to illegal aliens who reside in the Commonwealth. To the	N/A.	

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
	<p>extent this service is required by FOIA, a restriction based on legal status would be open to challenge.</p>		
<p>Animal Adoptions Animal Spay/Neuter Programs Dog Licenses Animal Related Educational Programs and Services Animal Redemptions</p>	<p>Legal authority exists to restrict adoptions to those legally present. If such a restriction were challenged under the Equal Protection Clause would require a showing that the restriction was a rational approach to meeting a legitimate government goal.</p>	<p>N/A</p>	<p>Over 2,200 adoptions are conducted annually. All recipients of adopted animals would have to be screened for legal status. Restricting adoptions based on legal status may increase the animal population at the Animal Shelter as well as the number of animals euthanized. Approximately 765 spay/neuter procedures are completed annually. By restricting procedures based on legal status of animal owner, animal populations within the County will increase as well as the overpopulation at the Animal Shelter leading to an increased number of animals being euthanized. If dogs of illegal immigrants are not licensed, verification of rabies vaccination can not be provided which will create a health risk. Approximately 12,000 licenses are processed annually. All applications would have to be screened for legal status. Approximately 12,000 people visit the Animal Shelter annually inquiring about a wide variety of services and programs. If legal status checks are required, all visitors will have to be screened. Existing staff will not be able to administer the screening process due to the increased workload. Also, the health safety and welfare of animals may be impacted if illegal immigrants are turned away. Over 2,200 animals are reunited with</p>

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
			<p>their owners annually. If legal status is to be required, it is anticipated some animals will not be picked up by their owners. Overpopulation of animals may result at the Animal Shelter resulting in an increased number of animals euthanized. All vicious animal calls are responded regardless of legal status.</p>
Personnel Hiring/Volunteers	Section 15.2-1705 of the Code of Virginia requires that police officers be citizens of the USA.	Via routine employment background checks	The Police Dept. conducts as part of a routine background check on all employees and volunteers to determine legal status. Illegal immigrants are restricted from employment and volunteer positions.
School Safety Programs and School Crossings	This service is not required by any provision of law. If it were restricted, it is possible that the restriction would be subjected to heightened court scrutiny under the holding of Plyler v. Doe, 457 U.S. 202 (1982) because those disadvantaged would be school children..	N/A	The Crossing Guard Bureau assists over 4,200 students each day at school crossings. It would require crossing guards to conduct legal status checks before crossing students which would be difficult to administer. Further, additional staffing would be needed. In regards to safety programs conducted in schools, crossing guards conduct approximately 300 programs each year involving over 1,000 students. Cooperation with the County school system would be required to check legal status and take illegal immigrant students out of the classroom. Accordingly, students would not receive the safety training.
Operations Division	No legal analysis necessary, as the Board indicated in Res 07-609 that it does not intend that emergency medical care or the reporting of a	N/A	These services were addressed at the BOCS worksession on 9/18/07

Illegal Immigration Analysis

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
	crime or criminal activity to a law enforcement agency be restricted..		
Criminal Investigations	No legal analysis necessary, as the Board indicated in Res 07-609 that it does not intend that emergency medical care or the reporting of a crime or criminal activity to a law enforcement agency be restricted.	N/A	These services were addressed at the BOCS worksession on 9/18/07.

Illegal Immigration Analysis

Agency Name: Public Safety Communications Center

Division Name: All

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
Telephone Call Processing	No legal analysis necessary, as the Board indicated in Res 07-609 that it does not intend that emergency medical care or the reporting of a crime or criminal activity to a law enforcement agency be restricted.	N/A	Given the nature of how this service is provided, it is impossible to restrict these services by determining legal status. In addition, many calls are for emergency medical service which the BOCS resolution directs not be restricted. Other calls are victims reporting incidents which the BOCS has also directed not be restricted. Others are for incidents (Haz Mat and Fire) that not responding to would cause health/safety concerns for the community.
Police and Fire & Rescue Dispatch	See above.	N/A	Given the nature of how this service is provided, it is impossible to restrict these services by determining legal status. In addition, many calls are for emergency medical service which the BOCS resolution directs not be restricted. Other calls are victims reporting incidents which the BOCS has also directed not be restricted. Others are for incidents (Haz Mat and Fire) that not responding to would cause health/safety concerns for the community.
Teletype Processing	See above.	N/A	Given the nature of how this service is provided, it is impossible to restrict these services by determining legal status. In addition, many calls are for emergency medical service which the BOCS resolution directs not be restricted. Other calls are victims reporting incidents which the BOCS has also directed not be restricted. Others are for incidents (Haz Mat and Fire) that not responding to would cause health/safety concerns for the community.

Illegal Immigration Analysis

Agency Name: Sheriff's Office

Division Name: All

Program/Service Provided	Laws/Regulations Currently Guiding Service Delivery	If Verification Required – How Conducted?	Impacts of Restricting Service
Executive Management	<p>Note: The legal analysis provided in this form has been provided by the Sheriff, an independent Constitutional Officer represented by the Attorney General of Virginia. His analysis of the relevant legal provisions, which he has provided to the County Executive as a courtesy, is now transmitted to the Board. Legal questions regarding the obligations and powers of the Sheriff are more appropriately addressed by the Attorney General than by the County Attorney.</p> <p>This service supports employees in performing their work functions. Therefore, the legal issues that arise when considering whether to restrict based on legal status are not implicated by this service</p>		This service supports the work effort of the Sheriff's office, which benefits the community as a whole, rather than particular individuals.
Court Services	9.1-903, 53.1-120		The Judicial Center is a public building. It is open to and accessible by the general public regardless of legal status.
Operations	19.2-80, 37.2-808, 809, 829, 8.01-293, 15.2-1609, 46.2-828		Civil process, evictions, prisoner and civil transports, etc. would continue regardless of legal status.
Office of Professional Standards - Community Services			The staff time that would be necessary to verify legal status relative to the time spent providing community services such as child and senior citizen IDs would not be practical.