



**Committee:** Joint GO/PS  
**Committee Review:** At a future date  
**Staff:** Christine Wellons, Chief Legislative Attorney  
**Purpose:** To receive testimony – no vote expected

AGENDA ITEM #5  
January 13, 2026  
**Public Hearing**

## **SUBJECT**

Expedited Bill 35-25, County Administration – Immigrant Protections (“Promoting Community Trust – Immigrant Protections Act”)

Lead Sponsors: Council President Fani-González, Council Vice-President Balcombe, and Councilmembers Friedson, Glass, Jawando, Katz, Luedtke, Mink, Sayles, and Stewart

## **EXPECTED ATTENDEES**

Public speakers

## **COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION**

- Receive public testimony.

## **DESCRIPTION/ISSUE**

Expedited Bill 35-25 would:

- (1) prohibit discriminatory practices by the County against foreign nationals and immigrants in the County;
- (2) limit, consistent with federal and state law, the use of County agents and resources in the enforcement of civil immigration laws;
- (3) ensure that, to the greatest extent permitted under federal and state law, County benefits and services are provided to residents regardless of country of birth or immigration status;
- (4) require certain notices to individuals; and
- (5) generally amend the laws regarding County government administration and immigrant protections.

## **SUMMARY OF KEY DISCUSSION POINTS**

- N/A

### **This report contains:**

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## **MEMORANDUM**

January 8, 2026

TO: County Council

FROM: Christine Wellons, Chief Legislative Attorney

SUBJECT: Expedited Bill 35-25, County Administration – Immigrant Protections

PURPOSE: Public Hearing – no Council votes required

Expedited Bill 35-25, County Administration — Immigrant Protections (“Promoting Community Trust – Immigrant Protections Act”), was introduced on December 9, 2025. The Lead Sponsors are Council President Fani-González, Council Vice President Balcombe, and Councilmembers Friedson, Glass, Jawando, Katz, Luedtke, Mink, Sayles, and Stewart. The public hearing on the bill is tentatively scheduled for January 13, 2026 at 1:30 p.m.

Expedited Bill 35-25 would:

- (1) prohibit discriminatory practices by the County against foreign nationals and immigrants in the County;
- (2) limit, consistent with federal and state law, the use of County agents and resources in the enforcement of civil immigration laws;
- (3) ensure that, to the greatest extent permitted under federal and state law, County benefits and services are provided to residents regardless of country of birth or immigration status;
- (4) require certain notices to individuals; and
- (5) generally amend the laws regarding County government administration and immigrant protections.

### **BACKGROUND**

In 2019, the County Executive adopted Executive Order 135-19, Promoting Community Trust, which generally prevents County employees and departments from engaging in any federal civil immigration enforcement. Expedited Bill 35-25 would update and codify the requirements of the Executive Order to ensure ongoing protection of County residents and the appropriate use of County resources.

As explained by Council President Fani-González: “The legislation establishes strong civil rights protections by prohibiting County employees from requesting or investigating a person’s immigration status unless required by law, barring intimidation, and discrimination based on perceived status, and guaranteeing that County services and opportunities are not denied because of immigration status. It also limits the use of County resources in federal civil immigration enforcement, ensuring that staff, equipment, and County facilities are not used for civil immigration actions without a valid judicial warrant or bona fide criminal law enforcement purpose.”

## BILL SPECIFICS

Expedited Bill 35-25 would restrict County involvement in the enforcement of federal civil immigration law. The express intent of the bill is to ensure that immigrant communities can engage with County departments – including public safety departments – without fear that the engagement would be used in civil immigration enforcement or in a discriminatory way. The County serves all residents, regardless of country of birth or immigration status.

**Inquiries about immigration status.** In keeping with the intent of the bill, County employees and departments would be prohibited from inquiring about individuals’ immigration status unless required by state or federal law, a judicial order, or international treaty. In addition, threats, discrimination, or intimidation by County employees based on individuals’ immigration status, or perceived status, would be explicitly prohibited.

**County benefits.** The bill would prohibit County employees and departments from conditioning County benefits, opportunities, or services upon immigration status, unless required to do so by applicable law or judicial order. Where presentation of a Maryland-issued identification card is accepted as proof of identity, the County would be required to accept comparable photo identification from an individual’s country of origin, or from a non-profit organization pre-approved by the Chief Administrative Officer.

**Law enforcement.** Regarding law enforcement practices, the bill would prohibit the County from arresting, stopping, or detaining individuals for federal civil immigration enforcement operations. The bill would not in any manner restrain or limit the ability of law enforcement agencies to enforce the criminal law. Rather, it would limit the County’s participation in federal civil law enforcement so that, among other reasons, County departments can focus on enforcing criminal law in an unbiased manner.

For individuals who are arrested, the County would be prohibited from contacting civil immigration officials about the individual except in compliance with a valid judicial warrant. In addition, the bill would clarify that once an individual is legally eligible for release from detention, the individual must be released as required by law; the individual’s release must not be delayed at the administrative request of immigration enforcement officials.

In general, the County would not be permitted to notify immigration officials of the impending release of an individual from custody for civil immigration enforcement. However, notification could occur, no earlier than 36 hours in advance of a release, if the individual has been

convicted of certain enumerated crimes, including “crimes of violence” as defined under Section 14-101 of the Criminal Law Article of the Maryland Code.

In addition, within 48 hours after receiving an administrative request from immigration enforcement officials regarding an individual in custody, the County would provide a copy of the request to the individual.

**Access to County buildings and facilities.** The bill also would address the issue of access to County buildings and facilities by federal immigration enforcement officials for civil immigration operations. Pursuant to Maryland law adopted in 2025 (House Bill 1222), “sensitive locations” – such as libraries and healthcare facilities – would continue to restrict access to private spaces of sensitive locations for civil immigration purposes. Access to the spaces by immigration officials would not be permitted, except where required by a valid judicial warrant or state law.

Regarding all County buildings and facilities, regardless of whether they are “sensitive locations”, a County employee or department generally would not be permitted to allow immigration enforcement officials: (1) to access any portion of the building or facility that is not open to the general public; (2) to have access to a person in the detention or custody of the department; or (3) to use County facilities, information, or equipment.

**Intergovernmental agreements.** The bill would prohibit the County from entering into any intergovernmental agreements to detain individuals for civil immigration purposes, or to otherwise participate in civil immigration enforcement.

**Confidentiality.** County departments would be required under the bill to review applications, questionnaires, and other County forms to ensure that unnecessary questions about immigration status are deleted and that confidentiality is protected to the greatest extent permitted by law.

**Reporting requirements.** The bill would require the Executive to report to the Council every six months regarding the number of requests departments received from immigration enforcement officials and how the requests were handled.

<u>This packet contains:</u>	<u>Circle #</u>
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Expedited Bill No. 35-25  
Concerning: County Administration — Immigrant Protections  
Revised: 12/4/2025 Draft No. 1  
Introduced: December 9, 2025  
Expires: December 7, 2026  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch.       , Laws of Mont. Co.       

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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Lead Sponsors: Council President Fani-González, Council Vice-President Balcombe, and Councilmembers Friedson, Glass, Jawando, Katz, Luedtke, Mink, Sayles, and Stewart

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### AN EXPEDITED ACT to:

- (1) prohibit discriminatory practices by the County against foreign nationals and immigrants in the County;
- (2) limit, consistent with federal and state law, the use of County agents and resources in the enforcement of civil immigration laws;
- (3) ensure that, to the greatest extent permitted under federal and state law, County benefits and services are provided to residents regardless of country of birth or immigration status;
- (4) require certain notices to individuals; and
- (5) generally amend the laws regarding County government administration and immigrant protections.

By adding

Chapter 2, Administration  
Article XV, Section 2-160

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
<u>[Single boldface brackets]</u>	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
<u>[[Double boldface brackets]]</u>	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

1                   **Sec. 1. Article XV, Section 2-160 is added to Chapter 2 as follows:**

2                   **ARTICLE XV. IMMIGRANT PROTECTIONS**

3                   **2-160. Promoting Community Trust (Immigrant Protections).**

4                   (a)    *Short title; legislative findings; purpose; and construction.*

5                   (1)    *Short title.*    This section may be known as the “Promoting  
6                   *Community Trust - Immigrant Protections Act*”.

7                   (2)    *Findings.*

8                   (A)    *Montgomery County is one of the most diverse counties in*  
9                   *the United States, with a thriving immigrant community*  
10                   *representing more than 30 percent of the County's*  
11                   *population. Consistent with the vision of creating a more*  
12                   *equitable and inclusive County, it is vital that all residents*  
13                   *of the County feel safe and welcomed and have access to*  
14                   *the many resources which make the County an exceptional*  
15                   *place to live.*

16                   (B)    *It is especially important that all County residents feel safe*  
17                   *contacting police and other County law enforcement*  
18                   *officials without fear that such contact could lead to*  
19                   *negative consequences for themselves or their family*  
20                   *members. Any perception that such contact could lead to*  
21                   *negative immigration consequences for an individual or*  
22                   *member of their family undermines that goal and erodes*  
23                   *public safety.*

24                   (C)    *Enforcing federal immigration law is the responsibility of*  
25                   *the federal government of the United States and it is not in*  
26                   *the interests of Montgomery County to utilize its limited*

resources to facilitate the enforcement of federal civil immigration law.

(3) Purpose. This Section is intended to ensure that:

(A) immigrant and otherwise vulnerable communities engage with County departments, including public safety departments, with assurance that such engagement will not be used to assist in civil immigration enforcement or a discriminatory practice;

(B) the constitutional rights of immigrant County residents are not violated; and

(C) County benefits and services are provided to residents  
regardless of country of birth or immigration status.

(4) *Construction.* This Section must not be construed to:

(A) prevent or limit the County's enforcement of criminal law or cooperation regarding the enforcement of criminal law;  
or

(B) prevent the County from sending to or receiving from any local, state, or federal agency information regarding the citizenship or immigration status of an individual if required by state or federal law.

(b) *Definitions.* The following terms have the meanings indicated.

Agent means any person employed by or acting on behalf of a Department.

Civil administrative warrant means an immigration order of arrest, order to detain or release a foreign national, notice of custody determination, notice to appear, removal order, warrant of removal, or any other document, including those issued by the United States Department of

54 Homeland Security or any other federal immigration official or agency,  
55 including an immigration judge, that can form the basis for an  
56 individual's arrest or detention for a civil immigration enforcement  
57 purpose.

58 Civil administrative warrant includes DHS Form I-205 "Warrant of  
59 Removal/Deportation"; DHS Form I-200 "Warrant for the Arrest of  
60 Alien"; DHS Form I-286 "Notice of Custody Determination"; DHS Form  
61 I-203 "Order to Detain or Release Alien"; any warrant, request, or hit  
62 contained in the "Immigration Violator File" of the FBI's National Crime  
63 Information Center (NCIC) database; and any predecessor or successor  
64 form or database.

65 Civil administrative warrant does not include a criminal warrant issued  
66 upon a judicial determination of probable cause and in compliance with  
67 the requirements of the Fourth Amendment to the U.S. Constitution and  
68 Article 26 of the Maryland Declaration of Rights.

69 Contact information means home address, work address, telephone  
70 number, electronic mail address, social media contact information,  
71 license plate information, or any other means of contacting an individual  
72 or through which an individual may be located.

73 County resources means any money, facilities, property, equipment,  
74 personnel, including personnel time, or other assets funded in whole or  
75 in part by Montgomery County.

76 Department means any County department, agency, division,  
77 commission, council, committee, board, other body, or office established  
78 by authority of County law.

79 DHS means the United States Department of Homeland Security or any  
80 successor agency.

81 DOJ means the United States Department of Justice or any successor  
82 agency.

83 Family member means a person's:

84 (1) immediate family;

85 (2) extended family;

86 (3) court-appointed legal guardian or a person for whom the person is  
87 a court-appointed legal guardian; or

88 (4) domestic partner or the domestic partner's immediate or extended  
89 family.

90 Eligible for release from custody or eligible for release means one of the  
91 following conditions has occurred:

92 (1) all criminal charges against the person have been dropped or  
93 dismissed;

94 (2) the person has been acquitted of all criminal charges filed against  
95 the person;

96 (3) the person has served all the time required for a criminal sentence;

97 (4) the person has been released on a conditional bail release; or

98 (5) the person is otherwise eligible for release under applicable law.

99 ICE means the United States Immigration and Customs Enforcement  
100 agency or any successor agency charged with the enforcement of civil  
101 immigration laws.

102 Immigration detainer or detainer is a civil administrative detainer and  
103 means a request by ICE to a federal, state, or local law enforcement  
104 agency that the law enforcement agency provides notice of release or  
105 maintains custody of an individual based on an alleged violation of a civil  
106 immigration law, including detainees issued pursuant to sections 236 or

107 287 of the Immigration and Nationality Act or 287.7 or 236.1 of Title 8  
108 of the Code of Federal Regulations, as amended.

109 Immigration detainer or detainer includes DHS Form 1-247D  
110 “Immigration Detainer - Request for Voluntary Action”; DHS 1-247X  
111 “Request for Voluntary Transfer”; DHS Form 1-247N “Request for  
112 Voluntary Notification of Release”; DHS Form 1-247A “Immigration  
113 Detainer”; and any predecessor or successor form.

114 Immigration enforcement official means any federal employee or agent  
115 engaged in immigration enforcement operations, including employees of  
116 DHS, DOJ, and ICE.

117 Immigration enforcement operation means any and all efforts to  
118 investigate, enforce, or assist in the investigation or enforcement of any  
119 federal civil immigration law, including a civil administrative warrant or  
120 civil immigration detainer.

121 Immigration status means all matters regarding questions of citizenship  
122 of the United States or any other country, the authority to reside in or  
123 otherwise be present in the United States, the time and manner of a  
124 person’s entry into the United States, or any other immigration matter  
125 enforced by DHS, its predecessor or successor agency, or any other  
126 federal agency charged with the enforcement of civil immigration laws.

127 Person or individual means a natural person.

128 Sensitive location has the meaning stated in Section 6-111 of the State  
129 Government Article of the Maryland Code, as amended.

130 (c) Requesting immigration status information - prohibited.

131 (1) An agent or department must not request information about, or  
132 otherwise investigate or assist in the investigation of, the  
133 immigration status of any person unless such inquiry or

investigation is required by state or federal law, court order, or international treaty.

(2) If the citizenship or immigration status of an individual is relevant to protections, services, or benefits accorded to them under any County, state, or federal law, or required by any international treaty, an agent or department may notify the individual of the relevant protection or requirement and provide them an opportunity to disclose voluntarily their immigration status.

(d) Threats based on citizenship or immigration status - prohibited.

(1) An agent or department must not coerce, intimidate, or threaten any person based on the person's actual or perceived immigration status or the actual or perceived immigration status of a member of the person's family or any other associate of the individual.

(2) An agent or department must not subject an individual to verbal abuse, including disparaging or offensive comments, based on the individual's actual or perceived immigration status, or the actual or perceived immigration status of a member of the individual's family or any associate of the individual.

(e) Conditioning benefits, services, or opportunities on immigration status – prohibited.

(1) An agent or department must not condition the provision of County benefits, opportunities, or services on matters related to immigration status unless required to do so by County, state, or federal law, or court order.

(2) Where presentation of a Maryland driver's license or identification card is accepted as adequate evidence of identity, presentation to an agent or department of a photo identity document issued by the

161 person's country of origin, such as a driver's license, passport, or  
162 matricula consular (consulate-issued document), or issued by a  
163 non-profit organization pre-approved by the Chief Administrative  
164 Officer, must be accepted and must not subject the person to a  
165 higher level of scrutiny or different treatment than if the person had  
166 provided a Maryland driver's license or identification card, except  
167 that this paragraph (2) must not apply to the completion of  
168 federally mandated I-9 forms.

169 (f) Immigration enforcement operations – additional limitations.

170 (1) Investigations, stops, and arrests. An agent or department must  
171 not participate in an immigration enforcement operation, including  
172 by stopping, detaining, or arresting an individual, based on:  
173 (A) the actual or perceived immigration status of an individual;  
174 (B) a civil administrative warrant or immigration detainer; or  
175 (C) a belief that the person has committed a civil immigration  
176 violation.

177 (2) Inquiries during law enforcement actions. For the purpose of an  
178 immigration enforcement operation, an agent or department must  
179 not:  
180 (A) require persons to prove their immigration status;  
181 (B) request identification for the purpose of determining an  
182 individual's immigration status; or  
183 (C) prolong a stop or detention for questions related to an  
184 individual's immigration status.

185 (3) Actions following arrest. A department or agency must not:

186 (A) contact an immigration enforcement official regarding an  
187 arrested person unless the person is subject to a valid  
188 judicial warrant requiring such action; or  
189 (B) affect the manner in which a person is processed following  
190 an arrest based on a civil administrative warrant,  
191 immigration detainer, or other immigration enforcement  
192 operation.

193 (4) Detention after eligibility for release – prohibited. An agent or  
194 department must not detain a person based on:  
195 (A) a civil administrative warrant or civil immigration detainer  
196 after the person becomes eligible for release from custody;  
197 or  
198 (B) a belief that the person has committed a civil immigration  
199 violation.

200 (g) Access to County buildings; coordination with immigration enforcement  
201 officials – restricted.

202 (1) Sensitive locations. An agent or department must deny access to  
203 any portion of a sensitive location that is not accessible to the  
204 general public to any individual who is seeking access for the  
205 purpose of enforcing federal immigration law, unless:  
206 (A) the individual presents a valid judicial warrant requiring  
207 access; or  
208 (B) the access is otherwise required under state law.

209 (2) Coordination with immigration officials – limited. Except as  
210 permitted under paragraph (3) of this subsection, an agent or  
211 department must not, for the purpose of an immigration  
212 enforcement operation:

213 (A) permit immigration enforcement officials to access any  
214 portion of a building or facility operated by the County that  
215 is not accessible to the general public;  
216 (B) permit immigration enforcement officials access to a person  
217 being detained by, or in the custody of, the department or  
218 agent;  
219 (C) permit immigration enforcement officials to use department  
220 facilities, information, or equipment;  
221 (D) communicate any information about an individual who is  
222 the target of an immigration enforcement operation with  
223 immigration enforcement officials; or  
224 (E) notify immigration enforcement officials that an individual  
225 has been or will be released from custody.

226 (3) The requirements of paragraph (2) of this subsection:  
227 (A) must not be construed to prohibit compliance with a valid  
228 judicial warrant issued by a state or federal court; and  
229 (B) do not apply to notifying an immigration enforcement  
230 official of the release of an individual from the Department  
231 of Corrections and Rehabilitation if the individual has been  
232 convicted under the Criminal Law Article of the Maryland  
233 Code, as amended, of:  
234 (i) a crime of violence under Section 14-101;  
235 (ii) Section 5-613 {Drug kingpin};  
236 (iii) Section 9-805 {Organization or supervision of  
237 criminal organization prohibited};  
238 (iv) Section 2-503 {Homicide by motor vehicle or vessel  
239 while under the influence of alcohol or under the

influence of alcohol per se}, Section 2-504  
{Homicide by motor vehicle or vessel while impaired  
by alcohol}, Section 2-505 {Homicide by motor  
vehicle or vessel while impaired by drugs}, or  
Section 2-506 {Homicide by motor vehicle or vessel  
while impaired by a controlled dangerous  
substance};

(v) Section 3-211 {Life-threatening injury by motor vehicle or vessel while under the influence of alcohol and related crimes};

(vi) Section 3-307 {Sexual offense in the third degree}:

(vii) Section 3-1102 {Sex trafficking}; or

(viii) Section 5-133(c)(1) {Restrictions on possession of regulated firearms} under the Public Safety Article of the Maryland Code, as amended.

Such notification must not occur earlier than 36 hours prior to release.

(4) This subsection must not be construed to permit an agent or department to prolong the detention of an individual who is eligible for release.

(h) Intergovernmental agreements for immigration enforcement =  
prohibited. An agent or department must not:

(1) enter into an intergovernmental services agreement, or other contract or agreement, with the federal government for the purpose of housing individuals subject to detention on civil immigration charges, or for any other purpose related to civil immigration enforcement; or

267 (2) enter into an agreement under 8 U.S.C. 1357(g) or any other  
268 federal law that permits state or local governmental entities to  
269 enforce federal civil immigration laws.

270 (i) *Prohibition against discriminatory acts.* No County resources may be  
271 used to investigate, enforce, or assist in the investigation or enforcement  
272 of any federal program requiring registration of individuals on the basis  
273 of race, gender, sexual orientation, religion, immigration status, or  
274 national or ethnic origin.

275 (j) *Confidentiality; notice requirements; reporting.*

276 (1) All applications, questionnaires, interviews or other forms used in  
277 relation to County benefits, opportunities, or services must be  
278 promptly reviewed by the pertinent departments and any questions  
279 regarding citizenship or immigration status, other than those  
280 required by law or court order, must be deleted if that information  
281 is not necessary for a County function. The department promptly  
282 must delete any information regarding individuals' immigration  
283 status that is not necessary for a County function.

284 (2) All departments must engage in a review of their confidentiality  
285 provisions to ensure that the provisions are in compliance with this  
286 Section and have sufficient safeguards in place to protect the  
287 privacy of sensitive information, including individual's  
288 immigration status.

289 (3) Any request received by an agent or department from immigration  
290 enforcement officials to detain or notify immigration enforcement  
291 officials regarding a person in custody must be provided or  
292 communicated to the subject of such a request within 48 hours. If

293                   such request is in writing, the subject of the request must be  
294                   provided with a copy of the request.

295                   (4)    The Executive must report to the Council every six months the  
296                   number of requests received by agents and departments from  
297                   immigration enforcement officials and the manner in which each  
298                   request was handled.

299                   **Sec. 2. Expedited Effective Date.** The Council declares that this Act is  
300                   necessary for the immediate protection of the public interest. This Act takes effect on  
301                   the date on which it becomes law.



# MONTGOMERY COUNTY EXECUTIVE ORDER

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject Promoting Community Trust	Executive Order No. 135-19	Subject Suffix
Department Office of the County Executive	Department No.	Effective Date 7/22/19

## BACKGROUND

1. Montgomery County is one of the most diverse counties in the United States, with a thriving immigrant community representing more than 30% of the County's population. Consistent with the vision of creating a more equitable and inclusive Montgomery County, it is vital that all residents of Montgomery County feel safe and welcomed within the County and have access to the many resources which make the County an exceptional place to live.
2. It is especially important that all County residents feel safe contacting police and other County law enforcement officials without fear that such contact could lead to negative consequences for themselves or their family members. Any perception that such contact could lead to negative immigration consequences for an individual or member of their family undermines that goal and erodes public safety.
3. Enforcing federal immigration law is the sole responsibility of the federal government of the United States and it is not in the interests of Montgomery County to utilize its limited resources to facilitate the enforcement of federal civil immigration law.
4. Cities and counties, including several communities within Montgomery County and in neighboring jurisdictions, are increasingly declining to use limited community resources to facilitate enforcement of federal civil immigration laws.
5. Montgomery County is further bound by the Fourth Amendment of the United States Constitution to ensure that no individual is subjected to unreasonable search or seizure. The United States Supreme Court in *Arizona v. United States* held that such an obligation means that, absent certain exceptional circumstances, local law enforcement officers may not detain or arrest an individual solely based on known or suspected civil immigration violations.
6. Immigration detainees, that are not accompanied by judicial warrants, are civil detainees for which the federal government bears sole responsibility.



# MONTGOMERY COUNTY EXECUTIVE ORDER

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject	Promoting Community Trust	Executive Order No.	Subject Suffix
Department	Office of the County Executive	Department No.	Effective Date 7/22/19

7. The Promoting Community Trust Executive Order aims to reaffirm current County policy and improve community security by ensuring that immigrant and otherwise vulnerable communities can engage with County departments, including public safety departments, with assurance that such engagement will not be used to assist in civil immigration enforcement or a federal discriminatory practice. Further, the present Order is intended to ensure that the constitutional rights of immigrant County residents are not violated and that County benefits and services are provided to residents regardless of country of birth or immigration status.

## Section 1. Definitions.

The following terms wherever used in this Order shall have the following meanings unless a different meaning appears from the context:

“Administrative warrant” means an immigration warrant of arrest, order to detain or release aliens, notice of custody determination, notice to appear, removal order, warrant of removal, or any other document, including those issued by the United States Department of Homeland Security (“DHS”) or any other federal immigration official or agency, including an immigration judge, that can form the basis for an individual’s arrest or detention for a civil immigration enforcement purpose. This definition does not include any active criminal warrants issued upon a judicial determination of probable cause and in compliance with the requirements of the Fourth Amendment to the U.S. Constitution and Article 26 of the Maryland Declaration of Rights.

“Department” means any executive branch County department, agency, division, commission, council, committee, board, other body, or person established by authority of an order, executive order, or County Council order.

“DHS” means the United States Department of Homeland Security.

“DOJ” means the United States Department of Justice.

“Agent” means any person employed by or acting on behalf of a department.

“County resources” means any County moneys, facilities, property, equipment, personnel (including personnel time), or other assets funded in whole or in part by Montgomery County.

“Citizenship or immigration status” means all matters regarding questions of citizenship of the United States or any other country, the authority to reside in or otherwise be present in the United



# MONTGOMERY COUNTY EXECUTIVE ORDER

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject	Promoting Community Trust	Executive Order No. 135-19	Subject Suffix
Department	Office of the County Executive	Department No.	Effective Date 7/22/19

States, the time and manner of a person's entry into the United States, or any other immigration matter enforced by DHS, its predecessor or successor agency, or any other federal agency charged with the enforcement of civil immigration laws.

"Contact information" means home address, work address, telephone number, electronic mail address, social media contact information, license plate information, or any other means of contacting an individual or through which an individual may be located.

"Eligible for release from custody" means one of the following conditions has occurred:

- (a) All criminal charges against the person have been dropped or dismissed.
- (b) The person has been acquitted of all criminal charges filed against him or her.
- (c) The person has served all the time required for his or her sentence.
- (d) The person has been released on a conditional bail release.
- (e) The person is otherwise eligible for release under state or local law, or local policy or regulation.

"Family member" means a person's (i) immediate family, (ii) extended family, (iii) court-appointed legal guardian or a person for whom the person is a court-appointed legal guardian; or (iv) domestic partner or the domestic partner's immediate or extended family.

"ICE" means the United States Immigration and Customs Enforcement agency and shall include any successor agency charged with the enforcement of civil immigration laws.

"Immigration detainer" is a civil detainer and means a request by ICE to a federal, state, or local law enforcement agency that the law enforcement agency provide notice of release or maintain custody of an individual based on an alleged violation of a civil immigration law, including detainers issued pursuant to sections 236 or 287 of the Immigration and Nationality Act or 287.7 or 236.1 of Title 8 of the Code of Federal Regulations. These detainers include but are not limited to DHS Form I-247D "Immigration Detainer – Request for Voluntary Action"; DHS I-247X "Request for Voluntary Transfer"; or DHS Form I-247N "Request for Voluntary Notification of Release."

"Immigration enforcement official" means any federal employee or agent engaged in immigration enforcement operations as herein defined, including but not limited to employees of DHS and DOJ.



# MONTGOMERY COUNTY EXECUTIVE ORDER

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject Promoting Community Trust	Executive Order No. 135-19	Subject Suffix
Department Office of the County Executive	Department No.	Effective Date 7/22/19

**"Immigration enforcement operation"** means any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, and also includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry, or reentry to, or employment in, the United States, including but not limited to efforts to identify or apprehend persons for purposes of subjecting them to immigration detention and/or removal from the United States.

## **Section 2. Requesting information prohibited.**

- (a) No agent or department may request information about or otherwise investigate or assist in the investigation of the citizenship or immigration status of any person unless such inquiry or investigation is required by court order.
- (b) If the citizenship or immigration status of an individual is relevant to protections accorded to them under any state or federal law, or required by any international treaty, an agent or department may notify the individual of the relevant protection or requirement and provide them an opportunity to voluntarily disclose their status or citizenship.

## **Section 3. Threats based on citizenship or immigration status prohibited.**

- (a) No agent or department may coerce, intimidate, or threaten any person based on the person's actual or perceived citizenship or immigration status or the actual or perceived citizenship or immigration status of a member of the person's family or any other associate of the individual.
- (b) No agent or department may subject an individual to verbal abuse, including disparaging or offensive comments, based on the individual's actual or perceived immigration status, or the actual or perceived immigration status of a member of the individual's family or any associate of the individual.

## **Section 4. Conditioning benefits, services, or opportunities on immigration status prohibited.**

- (a) No agent or department may condition the provision of County benefits, opportunities, or services on matters related to citizenship or immigration status unless required to do so by state or federal law, or court order.



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(b) Where presentation of a Maryland driver's license or identification card is accepted as adequate evidence of identity, presentation of a photo identity document issued by the person's country of origin, such as a driver's license, passport, or matricula consular (consulate-issued document), or by a pre-approved non-profit organization shall be accepted and shall not subject the person to a higher level of scrutiny or different treatment than if the person had provided a Maryland driver's license or identification card, except that this subsection (b) shall not apply to the completion of the federally mandated I-9 forms.

## Section 5. Civil immigration enforcement.

(a) No agent or department may arrest or detain a person based on an Administrative Warrant, an Immigration Detainer, or any other directive by DHS, on a belief that the person is not present legally in the United States or has committed a civil immigration violation.

(b) No agent or department may:

- (1) affect in any way the manner in which a person is processed following an arrest based on an Administrative Warrant or an Immigration Detainer;
- (2) detain the person based on an Administrative Warrant or Immigration Detainer, or otherwise comply with an Administrative Warrant or Immigration Detainer, after that person becomes eligible for release from custody;
- (3) detain the person based solely on the belief that the person is not present legally in the United States, or that the person has committed a civil immigration violation.

(c) No agent or department may utilize County resources to coordinate with an immigration enforcement official in furtherance of a civil immigration enforcement operation by:

- (1) permitting immigration enforcement officials access to non-public space within a government facility;
- (2) permitting immigration enforcement officials access to a person being detained by, or in the custody of, the agent or department; or
- (3) permitting immigration enforcement officials use of non-public space within a government facility, information or equipment for investigative interviews or other investigative purposes.



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(d) No department may:

- (1) enter into an intergovernmental services agreement, or other contract or agreement, with the federal government for the purpose of housing individuals subject to detention on civil immigration charges, or for any other purpose related to civil immigration enforcement; or
- (2) enter into an agreement under 8 U.S.C. § 1357(g) or any other federal law that permits state or local governmental entities to enforce federal civil immigration laws.

## Section 6. Avoiding Aiding Federal Government in Acts of Discrimination.

No County resources may be used to investigate, enforce, or assist in the investigation or enforcement of any federal program requiring registration of individuals on the basis of race, gender, sexual orientation, religion, or national or ethnic origin.

## Section 7. Exchanging File Information.

- (a) All applications, questionnaires, interviews or other forms used in relation to County benefits, opportunities, or services shall be promptly reviewed by the pertinent departments and any questions regarding citizenship or immigration status, other than those required by statute, order, federal law or court order, shall be deleted if that information is not necessary for a County function. All County departments shall engage in a review of their confidentiality provisions to ensure that they are in compliance with this Order and have sufficient safeguards in place to protect the privacy of sensitive information, including but not limited to an individual's citizenship or immigration status.
- (b) Any request received by an agent or department from immigration enforcement agents or officials to detain or notify immigration enforcement officials regarding a person in custody shall be provided or communicated to the subject of such a request within 48 hours. Where such request is in writing, the subject of the request shall be provided with a copy of the request.
- (c) Departments shall report to the County Executive every six months the number of requests received from immigration enforcement officials and the manner in which each request was handled.



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## Section 8. Compliance with Federal Law.

No provision in this order shall be interpreted as preventing a law enforcement agent from sending to or receiving from any local, state, or Federal agency information regarding the citizenship or immigration status of an individual in accordance with applicable federal or constitutional law.

## Section 9. Directive to Departments.

All Departments will develop policies consistent with implementation of this Order within 90 days of it becoming effective.

## Section 10. Severability.

If any provision, clause, section, part, or application of this Order to any person or circumstance is declared invalid by any court of competent jurisdiction, such invalidity shall not affect, impair, or invalidate the remainder hereof or its application to any other person or circumstance.

## Section 11. Effective Date.

This Order shall take full force and effect immediately.

By:   
MARC ELRICH  
County Executive

Approved as to form and legality:  
Office of the County Attorney

By:   
Silvia C. Kinch, Chief  
Date: 7/16/19



## **MONTGOMERY COUNTY COUNCIL** ROCKVILLE, MARYLAND

November 26, 2025

Dear Colleagues:

As an immigrant who arrived in this country when I was a teenager and was on the verge of being deported, I'm proud to live and raise my family in Montgomery County. We are a community that understands that we must treat everyone with respect and dignity, no matter where we were born, the color of our skin, who we love, and the language we speak.

In fact, history shows that we move forward as a county when we welcome new immigrants and work together to improve our communities. Reactionary policies that force immigrants into the shadows haven't worked and contradict our Montgomery County values.

We live in a time where family separations without due process are happening all across the country. That's why, I'm urging my Council colleagues to support codifying strong protections for immigrants into Montgomery County law. In the attachment, please find the bill "Promoting Community Trust – Immigrant Protections Act." This bill reaffirms Montgomery County's commitment to ensuring that all residents can safely engage with County services without fear, regardless of immigration status.

Montgomery County thrives when every resident feels safe seeking help and engaging with their government, particularly our respected local law enforcement. This bill protects dignity, strengthens public safety, and reinforces our core values of fairness and inclusion.

The legislation establishes strong civil rights protections by prohibiting County employees from requesting or investigating a person's immigration status unless required by law, barring intimidation, and discrimination based on perceived status, and guaranteeing that County services and opportunities are not denied because of immigration status. It also limits the use of County resources in federal civil immigration enforcement, ensuring that staff, equipment, and County facilities are not used for civil immigration actions without a valid judicial warrant or bona fide criminal law enforcement purpose.

**NATALI FANI-GONZÁLEZ**  
COUNCILMEMBER, DISTRICT 6

100 Maryland Ave  
Rockville, MD 20850

CHAIR  
Economic Development Committee (ECON)

MEMBER  
Planning, Housing and Parks Committee (PHP)

The bill modernizes confidentiality practices by requiring departments to remove unnecessary immigration-related questions from forms, safeguard sensitive information, and notify individuals within 48 hours if immigration enforcement agencies request information about them. These measures strengthen transparency, protect privacy, and help maintain trust between County residents and local government.

It's also important to note what this legislation does NOT do. Police will continue to be able to enforce criminal law, including DUI and fentanyl-related cases, and the State's Attorney can continue prosecuting those cases, as they do now.

The bill will be formally introduced on December 9th, 2025, during the Council's full session. I look forward to working with each of you on this critical piece of legislation.

Sincerely,



Natali Fani-González  
Councilmember, District 6

November 26, 2025

Montgomery County Council  
100 Maryland Avenue  
Rockville, MD 20850

Montgomery County Council President Kate Stewart  
Montgomery County Council Vice President Will Jawando  
Montgomery County Councilmembers Gabe Albornoz, Marilyn Balcombe, Natali Fani-González, Andrew Friedson, Evan Glass, Sidney Katz, Dawn Luedtke, Kristin Mink, and Laurie-Ann Sayles

**RE: Urgent Organizational Support for Legislation Protecting Immigrant Communities in Montgomery County**

Dear Members of the Council,

The undersigned organizations write to express our unequivocal and urgent support for codifying strong protections for immigrants into Montgomery County law. The County must take every measure within its authority to prevent the use of its resources to aid in warrantless Immigration and Customs Enforcement (ICE) actions that separate families and terrorize communities.

Montgomery County is home to tens of thousands of immigrant residents who contribute daily to its economic vitality, culture, and community fabric. Yet ICE's increasingly aggressive enforcement tactics, including warrantless detainers, racialized surveillance, and coordination with local agencies, have created a climate of fear that undermines public safety and community trust. Now more than ever, the County must act decisively to shield residents from these discriminatory and unconstitutional practices.

Voluntary collaboration with ICE and any federal agency acting on its behalf, in any form, has consistently been shown to erode trust in government, deter victims and witnesses from seeking help, and redirect local resources away from essential public-safety responsibilities. These partnerships also open the door to racial profiling and discriminatory targeting of Black, Latino, and immigrant residents. No County entity should be complicit in these practices, especially when they endanger families, violate due process, and contradict Montgomery County's stated commitment to equity and inclusion.

Codifying protections is not only a moral imperative, but it is also a public-safety necessity. When residents fear that interaction with law enforcement or County agencies could place their families at risk, they are less likely to report crimes, cooperate in investigations, seek medical care, or access essential services. Strengthening County law ensures clarity, consistency, and accountability across agencies and reflects the values that Montgomery County has long championed.

We therefore urge the Council to adopt legislation, such as that proposed by Councilmember Fani-González, that:

- **Explicitly prohibits** voluntary, warrantless cooperation with ICE, including detainers, notifications, and transfers;
- **Restricts ICE access** to County facilities without a judicial warrant signed by a judge;
- **Outlaws discrimination** by County agencies on the basis of several protected classes, including immigration status;

- **Bars the use of County resources**, including staff time, funds, information systems, or facilities, from being used to support civil immigration enforcement; and
- **Prevents any inquiry into or collection of immigration status** by County agencies unless strictly required by state or federal law.

Montgomery County must stand firmly on the side of families, community trust, racial justice, and constitutional rights. By codifying these protections, the Council will send a clear message that the County rejects using local resources to tear families apart and reaffirms its commitment to being a truly welcoming and safe place for all residents.

Thank you for your leadership and for taking decisive action at this critical moment.

Sincerely,

1. CASA
2. 32BJ SEIU
3. ACLU MD
4. Advance Maryland
5. Amica Center for Immigrant Rights
6. Baltimore-DC Metro Building Trades Council
7. Bethesda African Cemetery Coalition
8. Black United Front of MoCo
9. CATA
10. Central American Resource Center
11. Common Cause Maryland
12. Congregation Action Network
13. Doctors for Camp Closure
14. Huntington at King Farm Tenant Association
15. IndivisibleMoCoWoMen
16. International Union of Painters and Allied Trades, District Council 51
17. Jews United for Justice
18. Latino Democratic Club of Montgomery County
19. Metropolitan Washington Council, AFL-CIO
20. Montgomery County DSA
21. Montgomery County Immigrant Rights Collective
22. Montgomery County Jewish Collective
23. Office of the Public Defender
24. People's Power Assembly
25. Progressive Maryland
26. Public Justice Center
27. Rockville Renters United
28. SEIU Local 500
29. Takoma Park Mobilization
30. UFCW Local 400
31. Unitarian Universalist Legislative Ministry of MD
32. UNITE HERE Local 25
33. UNITE HERE Local 7
34. United We Dream
35. Young People for Progress