

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

COMMONWEALTH OF VIRGINIA,

Defendant.

CIVIL No. 3:25-cv-1067

JOINT MOTION FOR ENTRY OF CONSENT JUDGMENT

1. On December 29, 2025, Plaintiff United States of America filed its Complaint against Defendant the Commonwealth of Virginia. ECF No. 1.
2. The Parties agree that the Court has jurisdiction over this action under 28 U.S.C. §§ 1331 and 1345 and venue is proper under 28 U.S.C. § 1391.
3. In the Complaint, Plaintiff challenged Virginia Code §§ 23.1-502 and 23.505.1, as applied to aliens who are not lawfully present in the United States, as expressly preempted by federal immigration law at 8 U.S.C. § 1623.
4. Plaintiff requested that this Court enter a judgment declaring that Virginia Code §§ 23.1-502 and 23.505.1, as applied to aliens who are not lawfully present in the United States, violate the Supremacy Clause and are therefore invalid.
5. Plaintiff further requested that this Court issue a permanent injunction that prohibits the Defendant, as well as its successors, agents, and employees, from enforcing Virginia Code §§ 23.1-502 and 23.505.1 insofar as they apply to aliens who are not lawfully present in the United States.

6. The Parties agree that the Court has the authority to provide the requested relief under the Supremacy Clause, U.S. Const. Art. VI, cl. 2, as well as 28 U.S.C. §§ 2201 and 2202, and its inherent equitable powers.
7. The Parties agree that Virginia Code §§ 23.1-502 and 23.505.1 are preempted by 8 U.S.C. § 1623 insofar as they apply to aliens who are not lawfully present in the United States.
8. The Parties request that the Court enter a final judgment declaring that Virginia Code §§ 23.1-502 and 23.505.1 violate the Supremacy Clause and are therefore invalid insofar as they apply to aliens who are not lawfully present in the United States.
9. The Parties request that the Court enter a permanent injunction prohibiting the Defendant, as well as its successors, agents and employees, from enforcing Virginia Code §§ 23.1-502 and 23.505.1, insofar as they apply to aliens who are not lawfully present in the United States.
10. The Parties agree that each will bear their own costs and fees.
11. A proposed order is attached for the Court's convenience. This proposed order will be submitted "on paper" with original signatures once the original signature pages have been received.

DATED: December 30, 2025

Respectfully submitted,

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Attorneys for Plaintiff

DATED: December 30, 2025

Respectfully submitted,

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