

EXECUTIVE ORDER NO. 12

WHEREAS, the State of New Jersey is deeply committed to protecting all of its residents from threats to their safety, security, and legal rights, regardless of immigration status; and

WHEREAS, the New Jersey State Constitution guarantees to every New Jerseyan certain inalienable rights, including the rights to enjoy and defend life and liberty, and to pursue and obtain safety and happiness; and

WHEREAS, as the home of Ellis Island, New Jersey has long welcomed immigrants seeking a better life for themselves and their families, and the immigrant experience is core to New Jersey's identity; and

WHEREAS, New Jersey is one of the most diverse states in the nation, where nearly 25 percent of the State population is foreign-born and approximately 14 percent of the State's native-born residents have at least one immigrant parent; and

WHEREAS, New Jersey's immigrant communities enrich the State both culturally and economically; and

WHEREAS, New Jersey's immigrant community is integral to the State's economic prosperity, as illustrated by a 2020 report that found that immigrant entrepreneurs employ nearly 390,000 people, pay close to \$30 billion in State, local, and federal taxes, and comprise almost 41% of New Jersey's Science, Technology, Engineering, and Mathematics (STEM) workforce; and

WHEREAS, the strength of our State depends on residents' trust in state government and state institutions, and in our elected officials' commitment to uphold the rule of law; and

WHEREAS, federal immigration law is enforced by the federal government, and not by states, and the United States Constitution prohibits the federal government from coercing or commandeering the states into assisting or facilitating the administration of federal law; and

WHEREAS, New Jersey Attorney General Directive 2018-6, known as the Immigrant Trust Directive, promotes public safety and strengthens trust in New Jersey's law enforcement by drawing clear distinctions between state and local criminal law enforcement and federal civil immigration enforcement, and has been upheld in federal court; and

WHEREAS, the Safe Communities Act, which was signed into law on January 20, 2026, requires the Attorney General to develop, in consultation with appropriate government entities and stakeholders, within 180 days, model policies to ensure personal freedom in a variety of sensitive locations—including courthouses, health care facilities, public schools, domestic violence shelters, emergency shelters, family shelters, food pantries, and offices of social services, among others—which such institutions shall adopt to the fullest extent possible, and consistent with all applicable law; and

WHEREAS, deeply troubling trends in militarized federal civil immigration enforcement in cities and states across the United States—including the arrests and detention of United States citizens, including children, at times in the dead of night; masked agents unleashing chemical irritants on bystanders and non-violent protestors; the killings of United States citizens by federal officers; and incidents involving racial profiling—require a renewed examination of the extent to which New Jersey State government resources could be leveraged to assist with such enforcement; and

WHEREAS, property and resources owned and controlled by the State are intended to serve the residents of New Jersey, and may not lawfully be commandeered to facilitate federal civil immigration enforcement; and

WHEREAS, the use of certain State properties and resources for civil immigration enforcement purposes would interfere with or

burden State government activities, erode public trust in State government, and undermine public safety; and

WHEREAS, the use for civil immigration enforcement purposes of particular State properties that serve sensitive populations would risk causing undue harm to all New Jerseyans, including citizens and individuals with lawful presence, by discouraging sensitive populations from seeking essential services or discouraging their relatives or caregivers from accompanying or visiting them;

NOW, THEREFORE, I, MIKIE SHERRILL, Governor of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Statutes of this State, do hereby ORDER and DIRECT:

1. For purposes of this Order, the following definitions shall apply.

- a. "State property" shall mean facilities, premises, and parcels, or portions thereof, that are owned, operated, leased, or controlled by New Jersey Executive Branch departments and agencies, including but not limited to office buildings, parking lots, and parking garages.
- b. "Executive Branch departments and agencies" shall mean any of the principal departments in the Executive Branch of New Jersey State government and any agency, authority, board, bureau, commission, division, office, or other instrumentality within or created by any such department, and any independent State authority, commission, instrumentality, or agency over which the Governor exercises executive authority, as determined by the Attorney General.

- c. "Federal immigration officers" shall mean an agent of federal Immigration and Customs Enforcement, federal Customs and Border Protection, any similar agency or successor agency, or any other federal law enforcement agency tasked with civil immigration enforcement or working in concert with Immigration and Customs Enforcement or Customs and Border Protection.
- d. "Judicial order" means an order that is issued by an Article III federal court, a federal magistrate judge, or a judge of the State of New Jersey appointed pursuant to Article XI, Section IV of the New Jersey Constitution.
- e. "Judicial warrant" means a warrant based on probable cause and issued by a federal Article III judge, a federal magistrate judge, or a Superior Court judge of the State of New Jersey, that authorizes government authorities to search a location or apprehend a person who is the subject of the warrant.

2. Except as authorized by a judicial warrant or judicial order or as authorized under Paragraph 5 of this Order, Executive Branch departments and agencies shall not permit or consent to federal immigration officers entering, accessing, or using nonpublic areas of State property for the purpose of facilitating federal enforcement of civil immigration law.

3. Except as authorized by a judicial warrant or judicial order or as authorized under Paragraph 5 of this Order, Executive Branch departments and agencies shall not permit or consent to federal immigration officers using State property as a staging area, processing location, or operations base for the purpose of facilitating federal enforcement of civil immigration law.

4. Executive Branch departments and agencies shall take all necessary steps to implement this directive and shall ensure that relevant staff are aware of the requirements of this Order and trained to interact with federal immigration officers accordingly.

5. Nothing in this Order shall be construed to restrict, prohibit, or in any way prevent an Executive Branch department or agency from:

- a. facilitating the enforcement of the criminal laws of this State on State property;
- b. complying with all applicable federal, State, and local laws and regulations, and complying with all terms of any applicable lease that applies to State property leased by an Executive Branch department or agency;
- c. complying with a valid judicial warrant or other judicial order or responding to any request authorized by a valid judicial warrant or other judicial order;
- d. engaging in conduct permitted by the Attorney General's Immigrant Trust Directive, including, but not limited to, participating with federal authorities in a joint law enforcement task force, the primary purpose of which is unrelated to federal civil immigration enforcement; or
- e. allowing federal authorities access to any State property that is open to the general public, on the same terms on which the general public can access such property.

6. Should any part of this Order be declared to be invalid or unenforceable, or should the enforcement of or compliance with any part of this Order be suspended, restrained, or barred by the

final judgment of a court of competent jurisdiction, the remainder of this Order shall remain in full force and effect.

7. This Order shall take effect immediately.

GIVEN, under my hand and seal this
11th day of February,
Two Thousand and Twenty-Six,
and of the Independence of
the United States, the Two
Hundred and Fiftieth.

[seal]

/s/ Mikie Sherrill

Governor

Attest:

/s/ Timothy P. Lydon

Chief Counsel to the Governor