



Written by [Ty Bodden](#) on August 12, 2025

Noncitizens in Uniform: States Appoint Foreigners to Law-enforcement Posts

In an alarming departure from America's principles of citizenship and self-governance, several states have [enacted laws](#) allowing foreign nationals — noncitizens — [to serve as police officers](#), deputy sheriffs, and other law-enforcement officers. These positions are [not mere jobs](#); they involve the exercise of state-sanctioned coercive authority, including the use of deadly force.

Justified under the pretexts of [workforce shortages](#) and "[inclusion](#)," these policies erode the meaning of citizenship, blur the line between legal and illegal presence in the United States, and raise serious questions about loyalty, jurisdiction, and constitutional order.



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Rewriting the Rules of Authority

Until [recently](#), it was an unquestioned standard that those entrusted to enforce American laws should be American citizens. To think otherwise was unheard of. That principle is now collapsing in states such as [California](#), [Colorado](#), [Illinois](#), [New Mexico](#), [Virginia](#), and [Washington](#).

The laws passed in these and other states extend eligibility beyond lawful permanent residents to include individuals under [Deferred Action for Childhood Arrivals \(DACA\)](#), a program unconstitutionally implemented by [executive](#) order under the [Obama administration](#) in 2012. DACA [shields certain illegal aliens from deportation](#) and grants them temporary work authorization, despite Congress never having enacted such protections.

While DACA recipients may have [federal](#) work permits, they remain foreign nationals whose presence stems from unlawful entry or overstayed visas. Arming and empowering them to detain, arrest, or use force against U.S. citizens violates the principle that political authority flows from "We the People."

Illegal Migrants as Officers

[California's Senate Bill 960 \(SB960\)](#), passed in 2022, removed citizenship requirements for police officers. In April 2023, Colorado Governor Jared Polis signed [House Bill 23-1143 \(HB23-1143\)](#) into law, authorizing DACA recipients to serve as law-enforcement officers. Opponents rightly argued that granting police powers to those who are in the country illegally undermines both the law and self-government by American citizens.

The New American's Colorado [Legislative Scorecard](#) notes:

Persons who enter the United States illegally — which, by definition, is a crime — should not



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be permitted sanctuary or residency in Colorado, let alone be considered eligible for appointment as local police officers and deputy sheriffs.

Illinois soon followed suit. In May 2023, the state General Assembly passed [House Bill 3751 \(HB3751\)](#), which allows noncitizens, including DACA recipients, to apply for positions such as police officer or deputy sheriff. The measure passed with [bipartisan](#) support, and had bipartisan co-sponsors.

Supporters claim noncitizens contribute to society and deserve the opportunity to serve. But enforcing the law is not simply public service — it is the exercise of sovereign state authority, which must rest solely in the hands of citizens.

Virginia: Gubernatorial Resistance

Virginia's [Democratic-controlled General Assembly](#) sought to allow DACA recipients to serve as law-enforcement officers. In February 2024 it passed [Senate Bill 69 \(SB69\)](#), aimed at [authorizing DACA](#) recipients to serve in law enforcement.

Governor Glenn Youngkin, however, [vetoed](#) SB69, noting:

The Department of Criminal Justice Service can currently offer waivers for noncitizens who are permanent residents to serve as law enforcement officers on a case-by-case basis. This bill would run counter to this appropriate working practice by allowing non-citizens who are not permanent residents and are not eligible to become citizens to be certified as law enforcement officers.

[Attempts](#) to override Youngkin's veto fell short, leaving the measure dead for now. This battle underscores Virginia's deep political divide over immigration and the role of noncitizens in law enforcement. In a countermeasure, Governor Youngkin issued an [executive order](#) in February 2025 deputizing state police officers as immigration agents and directing prisons and local law enforcement to cooperate with U.S. Immigration and Customs Enforcement.

Even Broader Eligibility: A National Trend

Other states have gone even further in what appears to be a race to see who can veer furthest to the left and from constitutional principles. In February 2025, the Washington Senate [unanimously \(49-0\)](#) passed [Senate Bill 5068 \(SB5068\)](#), authorizing foreign nationals "legally authorized to work" in the United States — including temporary visa holders — to serve not only as law-enforcement officers, but firefighters and prosecutors.

Likewise, in March 2025, [New Mexico](#) enacted [Senate Bill 364 \(SB364\)](#), which completely removed the citizenship requirement for police officers and sheriffs' deputies. Anyone with federal work authorization — including DACA recipients and guest workers — may now enforce the state's laws.

[New Jersey](#) considered [Senate Bill 4017](#) in 2023 and [Senate Bill 2439](#) and [Assembly Bill 3568](#) in 2025, while the Wisconsin Assembly passed Wisconsin [Assembly Bill 51 \(AB51\)](#) nearly unanimously — with Republican support — in March 2023 (it died in the Senate). Both bills would have extended law-enforcement eligibility to noncitizens statewide.

These bills treat law enforcement as a workforce issue — ostensibly aimed to address officer shortages — rather than a position of public trust rooted in allegiance and citizenship. However, their cost to



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constitutional governance is incalculable. If enforcing American laws no longer requires allegiance to the United States, then citizenship is rendered meaningless.

Constitutional Concerns: Who Are “We the People”?

The [U.S. Constitution](#) begins with the words, “We the People of the United States,” not “we the residents” or “we the workforce.”

Public authority — particularly the power to detain, arrest, or use lethal force — must be derived from citizenship, the defining bond of political allegiance in a constitutional republic. Allowing noncitizens to wield such power contradicts [Article IV, Section 4](#), which guarantees each state a republican form of government and protects them against invasion — a government by and for the people, not foreigners granted temporary administrative reprieves. By conferring public authority on foreign nationals, such laws blur the distinction between citizens and noncitizens.

Permitting illegal aliens to serve in law enforcement may also violate the [Fourth Amendment](#), which affirms that “the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated.” Allowing those who are in the country unlawfully to search private property is, by any reasonable standard, a violation of that right.

These laws also undermine the [14th Amendment’s](#) guarantee of equal protection under the law. Due process requires that those enforcing the law be both representative of and accountable to the constitutional order. Empowering noncitizens to enforce the law calls into question the legitimacy of that enforcement, and distorts the very protections the 14th Amendment was designed to uphold.

Furthermore, [the Privileges or Immunities Clause](#) of the 14th Amendment, though largely dormant since the [Slaughter-House Cases \(1873\)](#), was meant to protect the fundamental rights of U.S. citizens. [Justice Clarence Thomas](#) has urged its revival, arguing it better secures natural rights than the [Due Process Clause](#). Granting law-enforcement authority to noncitizens — especially those here unlawfully — undermines the constitutionally protected rights guaranteed to American citizens.

Public Safety or Political Ideology?

Proponents justify these laws by citing officer shortages. But sovereignty is not expendable. States should address workforce needs by recruiting from among law-abiding citizens, working to incentivize serving in law enforcement, and restoring respect and support for the profession.

The real motive behind these measures is ideological, not practical. Leftist lawmakers view borders as arbitrary, citizenship as exclusionary, and law enforcement as a mechanism for [social reengineering](#), not public safety.

Allowing foreigners in law enforcement has real-world risks. Noncitizens — particularly those on temporary work authorization — may have [divided loyalties](#), qualify for lawful deportation, or be susceptible to foreign influence, all of which compromise their impartiality and accountability.

A 2023 [report](#) by the [Federation for American Immigration Reform](#) estimated that illegal migration imposes a [\\$150.7 billion annual burden](#) on American taxpayers, with law enforcement among the most heavily strained sectors.

Restoring the Rule of Law

The U.S. Constitution vests sovereign authority in the American people — not foreign nationals or executive agencies that unilaterally invent programs such as DACA. To restore the rule of law and



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preserve American sovereignty, state legislatures must:

- Repeal laws allowing noncitizens to serve in law enforcement;
- Enforce strict citizenship requirements for all public-safety and judicial roles;
- Reassert their inherent sovereign authority, protected by the 10th Amendment, to resist federal overreach and unconstitutional immigration programs;
- Prioritize the recruitment, training, and retention of American citizens committed to the Constitution;
- Reject federal funding and programs [that entangle local police with federal agencies](#);
- Resist efforts to nationalize or standardize local law enforcement through top-down mandates; and
- Promote citizen-led oversight and the election of constitutionally minded sheriffs.

[Embracing](#) the “[Support Your Local Police — And Keep Them Independent!](#)” action project is essential to preserving [local control over law enforcement](#) and protecting local self-government. In an era of growing [federal overreach](#), defending the independence of local police departments ensures that officers remain accountable to the communities they serve — not unelected bureaucrats or globalist agendas. Centralized control threatens both liberty and transparency, while [local police](#) rooted in their communities are best equipped to the Constitution. [The John Birch Society](#) empowers citizens to defend liberty by educating their neighbors, contacting local officials, and actively supporting constitutional law enforcement. Everyone concerned about freedom, safety, and accountability should get involved in this critical effort to restore and protect sovereignty.

Citizenship must mean something. The badge of law enforcement is not a paycheck or a symbol of inclusion — it is the visible expression of popular sovereignty and the consent of the governed.

To learn more about how your state and federal legislators vote on issues of constitutional importance, visit The New American’s [Freedom Index](#) and state [Legislative Scorecards](#). You can also stay informed about what is happening in your state legislature and in Congress by signing up for legislative alerts [here](#).



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