

Biden admin's 'predator' release puts Virginia's sanctuary policies back in the spotlight

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An illegal immigrant who allegedly exposed himself to one woman before trying to drag another woman into the woods at a Virginia park was arrested last year on felony drug trafficking charges but was released after sanctuary jurisdiction officials refused to cooperate with federal immigration officials, according to the Department of Homeland Security (DHS).

Moises Domingo Rico Rosales, a Nicaraguan national who DHS says illegally entered the U.S. in Arizona in 2022 before being released under the Biden administration, was arrested Tuesday after Fairfax County police said he was linked to two separate incidents at Wakefield Park in Annandale, Virginia. He is now charged with abduction of a person with intent to defile and indecent exposure, and Immigration and Customs Enforcement (ICE) has lodged a detainer asking Fairfax County officials not to release him, DHS said.

DHS said Rico Rosales had previously been arrested in Fairfax County in 2024 on felony drug trafficking charges, but was later released after local officials refused to honor an ICE detainer. According to local reporting, court records show the 2024 drug charges were dropped by the office of George Soros-backed Fairfax County Commonwealth's Attorney Steve Descano, paving the way for his release from criminal custody.

"This criminal illegal alien exposed himself to one woman in a park and then attempted to abduct another woman the same day," said Acting Assistant Secretary of DHS Lauren Bis. "He was previously arrested for drug trafficking in 2024, but Fairfax County sanctuary politicians refused to cooperate with ICE law enforcement and released him from jail."

SOROS-BACKED DA'S LAX ILLEGAL IMMIGRATION POLICIES LED TO 'PREVENTABLE' BUS STOP STABBING MURDER: COMPLAINT



Moises Domingo Rico Rosales, a Nicaraguan national who DHS says illegally entered the U.S. in Arizona in 2022 before being released under the Biden administration, was arrested Tuesday after Fairfax County police said he was linked to two separate incidents. (Department of Homeland Security/Getty Images)

"This predator was RELEASED by the Biden Administration into our country in 2022. DHS is calling on Governor Abigail Spanberger and her fellow sanctuary politicians to commit to not releasing this criminal and instead turn him over to ICE custody. Open border and sanctuary policies have real consequences, and they are the creation of more innocent victims."

The case is drawing renewed scrutiny to Northern Virginia's fight over ICE detainers and sanctuary-style policies, coming months after Abdul Jalloh, an illegal immigrant from Sierra Leone with more than 30 prior arrests, was charged with second-degree murder in the fatal stabbing of 41-year-old Stephanie Minter at a Virginia bus stop.

That case helped fuel a recent House Judiciary subcommittee hearing on Fairfax County's sanctuary policies, where Descano and Fairfax County Sheriff Stacey Kincaid faced questions from congressional Republicans over their handling of criminal illegal immigrants and ICE detainers.

Fairfax officials have previously defended their policy by saying they do not hold inmates on ICE detainers alone without a judicial warrant. ICE detainers ask local jails to notify federal immigration authorities before an inmate's release and hold the person briefly, so ICE can assume custody. ICE has argued that at-large arrests are more unpredictable and potentially dangerous than jail

transfers.



Abdul Jalloh, 32, is accused of killing Stephanie Minter, 41, at a Virginia bus stop. (Fairfax County Police Department; provided)

The Fairfax County Sheriff's Office pushed back on DHS's characterization of the Rico Rosales case, telling Fox News Digital that he was booked into the Fairfax County Adult Detention Center in 2024 and that ICE filed an "informal request," but "failed to act upon" it after a court ordered Rico Rosales released.

JORDAN GRILLS SOROS-BACKED DA DESCANO IN HEATED SPAT OVER SOFT-ON-CRIME POLICY: 'THIS IS ALMOST LAUGHABLE'

"There was no judicial warrant filed by ICE," a spokesperson for Sheriff Stacey Kincaid's office said.

The sheriff's office also said it does not currently have an ICE detainer on file for Rico Rosales in connection with his latest charges, despite DHS saying ICE had lodged one. The office said ICE would be able to take him into custody at the Fairfax County Adult Detention Center if federal immigration officials file a detainer and respond when he is ordered released.

"The Fairfax County Sheriff's Office does not obstruct or prevent ICE from acting on their civil detainers," the spokesperson said.

Kincaid's office said its policy is not to hold inmates past their release date unless ICE presents a judicial warrant or court-issued criminal detainer. A portion of the sheriff's office standard operating procedures provided to Fox News Digital states that, "to hold a prisoner for" Customs and Border Patrol (CBP), ICE or another immigration enforcement official, "a criminal judicial order" is required.

When asked about Rico Rosales' charges being dropped in 2024, Laura Birnbaum, chief of staff and public information officer for Descano's office, said there are "many reasons" why the outcome of a criminal case may differ from the initial charges, including insufficient evidence, victims not wanting to continue with prosecution, key witnesses not being present in court, defendants cooperating with police or prosecutors, defendants taking behavioral steps such as restitution or treatment, coordination with other agencies or the initial charge not reflecting what actually occurred.

VIRGINIA GOV. SPANBERGER CUTS TIES WITH ICE IN FEDERAL IMMIGRATION ENFORCEMENT COOPERATION

"Our office will share additional specifics about cases where possible, but we cannot jeopardize ongoing prosecutions or investigations; disclose personal information about victims or witnesses; or share non-public case information," Birnbaum told Fox News Digital.

Birnbaum also pushed back on criticism of the office, saying, "Some right-wing activists may attempt to retrofit political motives onto certain case outcomes or claim that prosecutors have the perfect ability to predict and avert future crimes."

Governor Spanberger has moved to limit Virginia law enforcement's role in federal civil immigration enforcement, including rescinding Youngkin-era directives, ending state-level 287(g) agreements and signing legislation that restricts state and local law-enforcement assistance in civil immigration operations absent a judicial warrant or subpoena. However, her office argues local jail custody decisions, including in Fairfax County, are made by local officials rather than the governor.



Abdul Jalloh, a 32-year-old man from Sierra Leone who DHS says entered the U.S. illegally in 2012, was arrested for allegedly

ing a 41-year-old woman in Fairfax County and has an extensive prior criminal history. (Department of Homeland
y/Getty Images)

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"Governor Spanberger strongly believes violent criminals who are in the United States illegally should be prosecuted to the fullest extent of the law and deported. Under Governor Spanberger's leadership, the Virginia Department of Corrections continues the long-standing practice of notifying ICE when individuals born outside of the United States are in state custody. Virginia state law enforcement agencies also continue to participate in task forces and inter-agency cooperation with federal agencies," a statement from Spanberger's office provided to Fox News Digital said.

"As a former federal law enforcement officer who went after child predators, Governor Spanberger will always prioritize the safety and well-being of Virginia's families," her office continued.

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