

FAQ: Why We Still Need the Immigrant Legal Defense Act (ILDA)

Even though the FY26 budget includes **\$5 million for immigration legal aid**, the Immigrant Legal Defense Act (ILDA) remains essential. Here's why:

Q: Didn't the FY26 budget already provide \$5 million for immigrant legal defense?

A: Yes, the budget includes \$5 million to launch this program. In contrast, the ILDA does not set a funding level, but instead requires the establishment of a permanent program funded by both the annual state budget and by private corporations and nonprofits (such as foundations), sufficient to build and maintain the statewide, integrated system of scale required by the bill. \$5M is a welcome start, but it cannot support a system of this scale. For comparison, in May 2025, [New York allocated \\$64.2M for a similar program](#).

Q: Why isn't the existing state funding for immigrant legal defense enough on its own?

A: The funding only runs through June 2026, and many immigration cases, as well as the need for immigration attorneys, will likely persist beyond that date. Failing to renew this funding each year leaves both attorneys and clients uncertain about the long-term representation that clients need to navigate immigration court proceedings.

Q: Why isn't nonprofit-only funding enough?

A: The budget restricts funding to **nonprofit providers**. ILDA expands eligibility to include private **immigration law firms** as grantees. Nonprofit legal service providers already report capacity challenges in meeting the demand for representation. Including law firms will expand the pool of available, qualified immigration attorneys, many of whom work in small firms or as solo practitioners.

Q: How does ILDA address immigrants detained or transferred out of state?

A: ILDA explicitly requires legal representation to **follow eligible Massachusetts residents and domiciliaries** who are detained in or transferred to out-of-state facilities, as well as those who are detained or facing proceedings here. The budget language does not include this protection, leaving it up to ORI's interpretation. Without ILDA, many Massachusetts residents could fall through the cracks.

FAQ: Why We Still Need the Immigrant Legal Defense Act (ILDA) (continued)

Q: Why is an advisory committee important?

A: ILDA creates a formal **advisory committee** to provide oversight, guidance, and accountability. The budget does not include this safeguard, meaning implementation decisions could lack transparency and community input.

Q: How does ILDA ensure the program focuses on those most in need?

A: The budget language is broad—while it establishes a permanent line item in the annual budget to fund an immigration services program, it leaves eligibility determinations to ORI, administering funds —“to increase access to legal representation for immigrants and refugees in the commonwealth”. ILDA is targeted to those who are most at risk, providing free immigration legal defense to **low-income immigrants facing deportation proceedings without an attorney, prioritizing those in federal immigration detention**. Low-income is defined as 200% or less of the federal poverty guidelines.

Q: What about program structure and accountability?

A: ILDA requires ORI to designate a **nonprofit coordinator** to:

- Build and administer a **permanent statewide program**
- Screen immigrant applicants for program eligibility according to criteria developed or approved by ORI
- Provide **logistical and technical support** to grantees
- Offer **mentoring and training** for attorneys, paralegals, and BIA-accredited representatives
- Ensure **accountability, cultural competence, and consistency** across the system