

THE PROTECT ACT (H.5620)

As signed into law on August 5, 2026

TOPIC	Language	IMPACT
287(g) Agreements with ICE (Sec. 7)	Generally prohibits new or expanded 287(g) agreements Allows the Department of Corrections' (DOC) current 287(g) to continue. Any renewal or expansion requires the Governor's approval Exception: A police dept. or sheriff may apply to the Governor for a narrowly tailored, 12-month 287(g) agreement limited solely to executing criminal warrants and summons issued by a court, not immigration enforcement, and only after public notice and consultation with the Attorney General. Any federal reimbursement received under the DOC's existing 287(g) agreement must be deposited into the Massachusetts General Fund	Prevents local police and sheriffs from taking on federal immigration enforcement duties The DOC agreement impacts people serving time in our state prison system, not in county correctional facilities (HOCs) or jails Note that 287(g) agreements are by statutory definition explicitly used for immigration enforcement, therefore the exception is unlikely to materialize Note that MA does not receive federal reimbursement for the DOC agreement Effective date: 30 days after signing
Protections for Detained Immigrants and Inmates (Sec. 6)	MA prisons and jails must: Upon intake, provide written notice, in the detainee's primary language, of: • their right to legal services • their right to decline interviews with ICE or other law enforcement, • how to contact legal services • grievance procedures Ensure detainee access to: • daily confidential telephone contact and video conferencing with attorneys • remote access to court hearings and proceedings	The new law would make our correctional facilities accountable for facilitating detainee access to legal counsel, court proceedings and contact with family members, and create transparency around custody and transfers This provision protects immigrant detainees held in ICE custody in Plymouth as well as inmates in Massachusetts prisons, houses of correction, and jails Does not apply to the Burlington ICE facility, which is privately owned and operated exclusively by ICE (which MA law cannot regulate); however, that facility is subject to audit by the state auditor Effective date: 90 days after signing

	Track custody status and provide it to detainee's attorney and/or designated contact, and notify them of any transfer to another facility Provide a public phone number for callers to confirm custody and contact information for detainees. Provide transportation to court hearings and proceedings, and document compliance, and promptly contact attorney re: missed or rescheduled appointments. Provide meaningful language access for intake materials and interactions with facility services or discipline	
Limits on Information Sharing with ICE (Sec. 7)	Prohibits police, sheriffs, and courts from sharing information about: • nonpublic information • custody status • upcoming court appearances • advance notice of release from custody unless ICE has made a written request about a specific individual received within the prior 30 days Exception: Can give advance notice of a person's release from custody at the end of a sentence for certain delineated crimes (Delineated crimes include certain sex offenses, drug offenses, firearms offenses, and domestic abuse offenses) Clearly states that these protections are the minimum - municipalities may enact stronger protections	Includes employees as well as officers Prevents responding to "fishing expeditions," where ICE requests information about everyone who may be in custody - ICE must be seeking info about a specific individual. Prohibits responding to oral requests for information, which have become increasingly common Allows law enforcement and court to respond to notification requests that are routinely contained in ICE detainer, no matter how old the detainer ICE routinely issues detainees after someone is booked for an arrest, and their fingerprints are shared with the FBI and ICE databases. These detainees follow the defendant through the criminal justice system Reflects political reluctance to protect people involved in the criminal justice system and neutralizes potential opposition Effective Date: 30 days after signing

No Questions About Immigration Status (Sec. 7)	Prohibits police, sheriffs, and courts from questioning or recording info about immigration status Exceptions: - for investigation of crimes where immigration status is relevant (such as human trafficking) or of a state felony - as required by federal or state law or treaty (such as consular notification or firearms applications) - reason for inquiry must be documented.	Includes both officers and employees Regulates local law enforcement interactions with immigrant communities. Such questioning undermines community trust in police and courts. Does not apply in the context of a 287(g) agreement or IGSA's (detention contracts). Effective Date: 30 days after signing
Other limits on Informal Collaboration (Sec. 7)	Officers and employees of police, sheriffs, and courts cannot: - use or allow use of state or local resources for civil immigration enforcement, or participate - stop, arrest, search, investigate, or detain someone for civil immigration enforcement purposes - hold someone based solely on an ICE detainer - transport someone into ICE custody without a judicial order	Includes employees as well as officers Codifies the MA Supreme Judicial Court decision in <i>Commonwealth v. Lunn</i> (2017), which held that police and courts cannot detain people based solely on an immigration detainer, and explicitly includes sheriffs These prohibitions do not apply in the context of 287(g) agreements or IGSA's (detention contracts) Effective Date: 30 days after signing
Courthouse Protections (Sec. 12)	Prohibits civil immigration arrests inside courthouses and on defined courthouse grounds, including plazas, steps, sidewalks, parking lots, and other judicial property	Similar bans in other states have effectively reduced ICE arrests in and around courthouses. Effective Date: 90 days after signing
Sensitive Locations Protections (Secs. 3, 4, and 5)	Prohibits civil (ICE) arrests in schools, child care centers, and nonpublic areas of healthcare and group care facilities without a judicial warrant, and requires adoption of policies and training on responding to civil immigration enforcement Requires model policy development by relevant administrative agencies.	Builds trust in the safety of essential community spaces so everyone can access care, education, and child care.

Family Protections (Secs. 9-11)	Allows parents/guardians to pre-arrange guardianship for their children if parents are detained or deported	Helps ensure children are cared for if parents are detained or deported
U & T Visas (Sec. 13)	Lists the kinds of activities that can meet the definitions of qualifying crimes if accompanied by threats of deportation, intimidation or retaliation. Reduces required response by certifying agency from 90 to 45 days; 14 days for emergency request.	The federal U and T visa program provides a visa pathway to a green card for victims of certain crimes or human trafficking who assist law enforcement investigations and prosecutions Helps immigrant survivors cooperate with law enforcement and seek immigration relief without unnecessary delays.
Protections for Immigrant Employees (Sec. 8)	Requires employers to notify employees within 48 hours of receiving notice of a pending I-9 inspection by ICE (to verify employment eligibility)	Provides transparency and time for workers to protect their rights
Other Provisions	Immigration Commission (Sec 15): Creates a 3-year standing immigration commission to help Massachusetts respond to ongoing immigration-related issues Civil Rights Protections (Sec 2): Allows U.S. constitutional rights claims against federal officials to be heard in Massachusetts state court Bail determinations (Sec 14): Allows courts to consider the existence of a final order of removal in bail determinations Audits of Immigrant Detention Facilities (New) (Sec 16): Authorizes the State Auditor to review immigration detention facility contracts, health and safety standards and practices, including both IGSA's and any private facility in MA that is leased or operated by ICE that uses or impacts municipal or state services, property, infrastructure or assistance	Brings together state leaders, immigrant organizations, legal advocates, labor, municipalities, law enforcement, and the courts to advise the Commonwealth on immigration policy (Effective date: 90 days from signing) Allows people in Massachusetts to sue federal agents who violate their Constitutional rights. Could allow defendants to remain in custody until trial to avoid an ICE arrest upon release. However, this can be done without the defendant's consent or request, leading to expanded pretrial detention. Creates independent oversight of immigration detention facilities and contracts in MA, including the ICE facility leased in Burlington, MA