

# Massachusetts Governor signs PROTECT Act and Issues Guidance for Employers

September 16, 2026 | Hayley M. Cotter | Articles

On September 8, 2026, Governor Maura Healey issued [guidance and resources](#) to implement the PROTECT Act, which was signed into law on August 5, 2026. The PROTECT Act (“An Act Promoting Rule of Law, Oversight, Trust and Equal Constitutional Treatment”) expands legal protections and due process rights for immigrants, and limits state and local participation in civil immigration enforcement. Of particular relevance for Massachusetts employers, the Act requires employers who receive a Notice of Inspection for Forms I-9 to provide written notice of such inspection to employees within forty-eight (48) hours.

Pursuant to federal law, employers are required to verify the identity and employment eligibility of all employees, and to document such verification on an Employment Eligibility Verification Form (Form I-9). Employers must retain such forms for three (3) years after the date of hire, or one (1) year after the date employment is terminated, whichever is later. Authorized federal officials, including U.S. Immigration and Customs Enforcement (ICE), may inspect an employer’s Forms I-9 by issuing a Notice of Inspection (NOI) giving the employer at least three (3) business days’ notice of such inspection. However, ICE may obtain I-9 forms without such notice, with a subpoena or warrant.

The Massachusetts PROTECT Act requires employers who receive an NOI from ICE to provide written notice to each employee within forty-eight (48) hours of receipt of the NOI. The Governor has issued [guidance](#) to assist employers in complying with this new law, which states that individual written notice to each employee, in the employee’s primary language, is required, and that posting the notice at the workplace will not satisfy the Act. While the Act itself does not mandate any particular method of transmittal, the guidance suggests that the notice may be



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delivered by “email, mail, fax, or other method.”

The issued guidance includes a sample notice that may be used to inform employees of an upcoming I-9 inspection by ICE. The sample notice advises employees of the date of the inspection, whether the inspection will be on-site or off-site, and the documents that will be inspected (if known). The sample also includes a brief FAQ for employees, explaining the purpose of the notice and providing resources for immigration-related legal assistance. The sample notice will be made available in some of the most common languages spoken in Massachusetts. While the PROTECT Act only requires individual written notice when an NOI is issued by ICE, the guidance encourages employers to provide such written notice whenever an NOI is received from any federal agency.

The PROTECT Act took effect immediately. Given the short timeframe within which employers must notify their employees of receipt of an NOI, employers should proactively develop procedures for receipt of and response to an NOI. This includes ensuring that any NOI is transmitted to the appropriate individual or department, and planning for distribution of a written notice to all employees (in the appropriate languages, if applicable). Employers should also review their Form I-9 procedures to ensure legal compliance and reduce risk arising from an ICE inspection.

*If you have any questions about compliance obligations under the PROTECT Act, please contact any member of our Labor, Employment and Employee Benefits Team.*

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