



PROTECT Act Summary

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On August 5th, 2026, Governor Healey signed the **PROTECT Act** (Promoting Rule of law, Oversight, Trust, and Equal Constitutional Treatment) into law. This law, originally filed by the Massachusetts Black and Latino Caucus, is a response to the Trump Administration attack on immigrant communities and the illegal and deadly acts being committed by Immigration and Customs Enforcement (ICE).

The law establishes new statewide standards governing interactions with federal civil immigration enforcement. A more detailed summary of provisions is included below.

Law Enforcement:

- **Violations by Law Enforcement Officials (Section 1):** Allows the Governor to refer certain potentially unlawful conduct by federal, state, or local officers under specified federal statutes to the Massachusetts Attorney General.
- **Federal Constitutional Rights (Section 2):** Allows federal officers to be sued for violations of the U.S. Constitution.
- **Election Civil Liability (Section 1):** Creates civil liability for violations of federal laws prohibiting military officers at polling locations and military interference with elections.
- **Restrictions on Law Enforcement (Section 7):** Clarifies that local and state law enforcement cannot inquire about immigration status unless necessary, record immigration or citizenship status unless required by federal or state law, use state or local resources for federal civil immigration enforcement, or knowingly provide information to federal immigration authorities. It also clarifies that local and state law enforcement cannot stop, seize, or arrest a person based solely on immigration status.
- **287(g) Agreements (Section 7):** Restricts any law enforcement agency or municipality from executing, renewing, or expanding a memorandum of understanding (MOU) under section 287(g), a federal partnership program that allows U.S. Immigration and Customs Enforcement (ICE) to deputize state and local law enforcement officers to perform specific immigration enforcement duties. Allows the Department of Corrections (DOC) to maintain their existing MOU, but it must apply to the Governor to renew or materially expand the agreement. Allows for a law enforcement agency to apply to the Governor for a time-limited agreement under section 287(g) for 12 months or less, but the agreement must be restricted solely to violations of criminal law.

Court and Legal Proceedings:

- **Courthouses (Section 12):** Bans arrests in courtrooms without certain thresholds met, and bans warrantless civil arrests in and around courthouses.



- **Protections for Victims of Human Trafficking and Criminal Activity (Section 13):** Provides protections for victims who report crimes to law enforcement agencies to prevent retaliation from federal immigration enforcement.
- **Final Order of Removal Considerations (Section 14):** Allows courts to consider the existence of a final order of removal that is being actively executed when determining bail in felony cases.
- **Individual Detention Provisions (Section 6):** Establishes minimum protections for people detained in all facilities in Massachusetts, including criminal and civil facilities. These protections include language access requirements, such as notices of detainees' rights, instructions for contacting legal counsel, medical information, and other materials in a person's primary language. Facilities must maintain and share detainee records with verified legal counsel and a designated contact within six hours of intake or transfer.
- **Legal Detention Provisions (Section 6):** Requires that detainees and attorneys have access to video and phone calls and prohibits facilities from impeding access to counsel or transportation to hearings.

Community Protections:

- **Multilingual Guidelines (Section 1):** Requires the Governor to issue multilingual guidelines for how state agencies, private entities, law enforcement, and school districts should handle interactions with ICE and what civil rights members of the public have when interacting with immigration agents.
- **Childcare, School, and Healthcare Settings (Sections 4 and 5):** Limits immigration enforcement at childcare centers, schools, and health facilities. Requires the state to create model policies and schools to adopt emergency response plans by September 1, 2026. Requires healthcare facilities to also adopt emergency response plans within 60 days of policy adoption. Provides protections for employees who act in good faith compliance with these policies.
- **I-9 Audits (Section 8):** Requires employers to provide written notice to employees of an audit of immigration documents within 48 hours of receipt.
- **Guardianship (Sections 9–11):** Provides protections for youth whose parents are removed due to immigration proceedings.

State Oversight:

- **State Property Restrictions (Section 1):** Allows the Governor to restrict immigration enforcement in nonpublic areas of state property.
- **Immigration Commission (Section 15):** Establishes a three-year commission to study and make recommendations regarding immigration matters in the Commonwealth, including state and local policies, guidelines, and recommendations for future changes.
- **Audit Powers (Section 16):** Allows the state auditor to audit the accounts, programs, activities, and functions of any sheriff with an agreement with ICE, as well as any immigration detention facility,



detention center, or similar facility located within the Commonwealth that is owned, leased, operated, managed, or maintained by a private entity.