



FROM THE OFFICES OF
GOVERNOR MAURA T. HEALEY
ATTORNEY GENERAL ANDREA JOY CAMPBELL



Executive Office of Labor and Workforce Development, Office for Refugees and Immigrants, and Office of the Attorney General

Guidance for Employers on New State Law Notice Requirement for I-9 Inspections
(September 2026)

The Executive Office of Labor and Workforce Development (EOLWD), the Office for Refugees and Immigrants (ORI), and the Attorney General's Office (AGO) issue this guidance to assist employers in complying with a new state law regarding I-9 inspections. *See An Act promoting rule of law, oversight, trust and equal constitutional treatment* ("PROTECT Act" or "Act"), [St. 2026, c. 163](#), § 8.¹

The information contained in this document is provided for informational purposes only and should not be construed as legal advice. For legal advice, employers should contact qualified immigration or employment counsel.

Background: I-9 Audits

Federal law requires employers to verify each employee's eligibility for employment using the I-9 Employment Eligibility Verification form upon hiring. Authorized federal officials, including ICE, may conduct I-9 inspections (also called employer audits) either on-site at the employer's location or through a document request. Generally, these officials should issue a written Notice of Inspection (NOI) at least 3 days before the inspection, though they may obtain I-9 forms without providing that notice if they have a subpoena or warrant.

Employers who receive a NOI, subpoena, or warrant for I-9 records should immediately contact an attorney who specializes in immigration law. *See Resources* provided below. Legal counsel can help employers prepare documents, correct errors, and seek extensions.

¹ "Employers" means any individual, corporation, partnership or other entity, including any agent thereof, that engages the services of an employee or employees for wages, remuneration or other compensation. 453 C.M.R. 3.02.



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New State Law Notice Requirement

On August 5, 2026, Governor Maura Healey signed the PROTECT Act. It is now the law in Massachusetts that, except as required by federal law, employers must inform each of their employees in writing of any upcoming I-9 inspections by ICE within 48 hours of receiving a NOI from ICE.² This requirement applies to all Massachusetts employers.

The governing statute reads:

Except as required by federal law, not later than 48 hours after receiving a notice of inspection by United States Immigration and Customs Enforcement for I-9 employment eligibility verification forms or other employment records, each employer shall provide written notice to each employee of any such request.

St. 2026, c. 163, § 8 (amending MGL c. 149, § 19C).

Sample Notice

To assist employers in fulfilling this new requirement, we attach to this guidance a sample notice you may use or modify to inform your employees of an upcoming I-9 inspection by ICE, within 48 hours of receiving an NOI, regardless of the method of delivery (i.e., email, mail, fax, or other method). Under the Act, employers are expected to provide individual written notice to each employee. Posting the notice at the workplace alone will not satisfy the Act.

Notice should be provided to employees in the employee's primary language. The sample notice will be made available in English and some of the most common languages spoken in Massachusetts.

Resources

The following legal directories may be helpful in finding a lawyer that specializes in business immigration law:

- [The American Immigration Lawyers Association](https://ailalawyer.com/), <https://ailalawyer.com/> has a drop-down menu for lawyers that specialize in business immigration
- [Boston Bar Association Lawyer Referral Service](https://bostonbar.org/lawyer-referral/), <https://bostonbar.org/lawyer-referral/>
- [Massachusetts Bar Association's Lawyer Referral Service](https://www.massbar.org/public/lawyer-referral-service), <https://www.massbar.org/public/lawyer-referral-service>

² Though the PROTECT Act only requires written notice to employees when ICE issues an NOI, employers are encouraged to provide written notice whenever they receive an NOI, regardless of the issuing federal agency.

NOTICE TO EMPLOYEES

Upcoming U.S. Immigration and Customs Enforcement (ICE) I-9 Employment Eligibility Inspection

ATTENTION: Insert employer name has received notice from ICE of an upcoming inspection for I-9 employment eligibility forms or other employment records. This means ICE is planning to conduct an inspection (also referred to as an audit) of the I-9/work authorization documents in our employer files.

Date of Inspection (if known): _____

Date Insert employer name received the notice of inspection: _____
(Employers must inform employees in writing within 48 hours of receiving an ICE I-9 Notice of Inspection)

Name of the agency conducting the inspection: U.S. Immigration and Customs Enforcement (ICE), a Division of the U.S. Department of Homeland Security

Location (if known):

- ☐ On-Site Inspection location: Click or tap here to enter text.
- ☐ Off-Site document submission

Documents that will be inspected (if known):

- ☐ I-9 forms
- ☐ Other employment records (if applicable): Click or tap here to enter text.

FAQs

What is an I-9 form?

An I-9 form is a form employers use to confirm employees are authorized to work in the U.S. Federal law requires employers to keep a copy of the form as a business record for each employee.

Why does ICE conduct I-9 inspections?

ICE is a federal agency responsible for ensuring that employers comply with I-9 requirements. One way ICE does this is by conducting “inspections” to review I-9 forms and other documents. An inspection may mean that ICE comes to the workplace to look at I-9 forms or ICE can require the employer to send forms to ICE for review.

Why am I receiving this notice?

Massachusetts law requires employers to notify their employees in writing of an upcoming ICE I-9 inspection.

What if I have questions about this notice?

For immigration-related legal assistance, including assistance understanding this notice, please consult an attorney or you may use any of the resources listed below:

- [The American Immigration Lawyers Association](https://ailalawyer.com/), available at <https://ailalawyer.com/>, has a drop-down menu for lawyers that specialize in immigration
- [MIRA Immigration Helpline](https://miracoalition.org/news/immigration-helpline), available at miracoalition.org/news/immigration-helpline or (508) 293-1871