

Massachusetts

Massachusetts Requires Employee Notice for Federal Form I-9 Inspections

On Aug. 5, 2026, Massachusetts enacted an [Act Promoting Rule of Law, Oversight, Trust and Equal Constitutional Treatment](#) (PROTECT Act), which requires employers to provide written notice to employees when the U.S. Immigration and Customs Enforcement (ICE) notifies employers of an inspection of Employment Eligibility Verification forms (Form I-9) and other employment records, among other requirements. The PROTECT Act was declared an emergency law and, as a result, the law's employer notice requirement took effect immediately.

Background

Federal law requires employers to hire only individuals who are legally authorized to work in the United States. To comply with the law, employers must verify the identity and employment authorization of each individual they hire by completing and retaining the Form I-9. Employers must have a completed Form I-9 for every employee hired after Nov. 6, 1986.

Authorized federal government officials can perform worksite enforcement investigations and request copies of all Forms I-9 for any reason. An employer's failure to verify and retain Forms I-9 can result in costly fines and criminal penalties.

PROTECT Act

Under the PROTECT Act, no later than **48 hours** after receiving notice from ICE of an inspection of Forms I-9 and other employment records, employers must provide written notice to each employee, except as required by federal law.

Next Steps for Employers

Massachusetts employers should establish procedures to ensure they comply with the PROTECT Act's notice requirements within the required timeframe.

Highlights

Aug. 5, 2026

Massachusetts enacted the PROTECT Act, which requires employers to provide written notice to employees no later than 48 hours after receiving notice from ICE of an inspection of Forms I-9 and other employment records.

Aug. 5, 2026

The PROTECT Act's employer notice requirements took effect.