

Unpacking the PROTECT Act

AUGUST 10, 2026

ACLU
Massachusetts

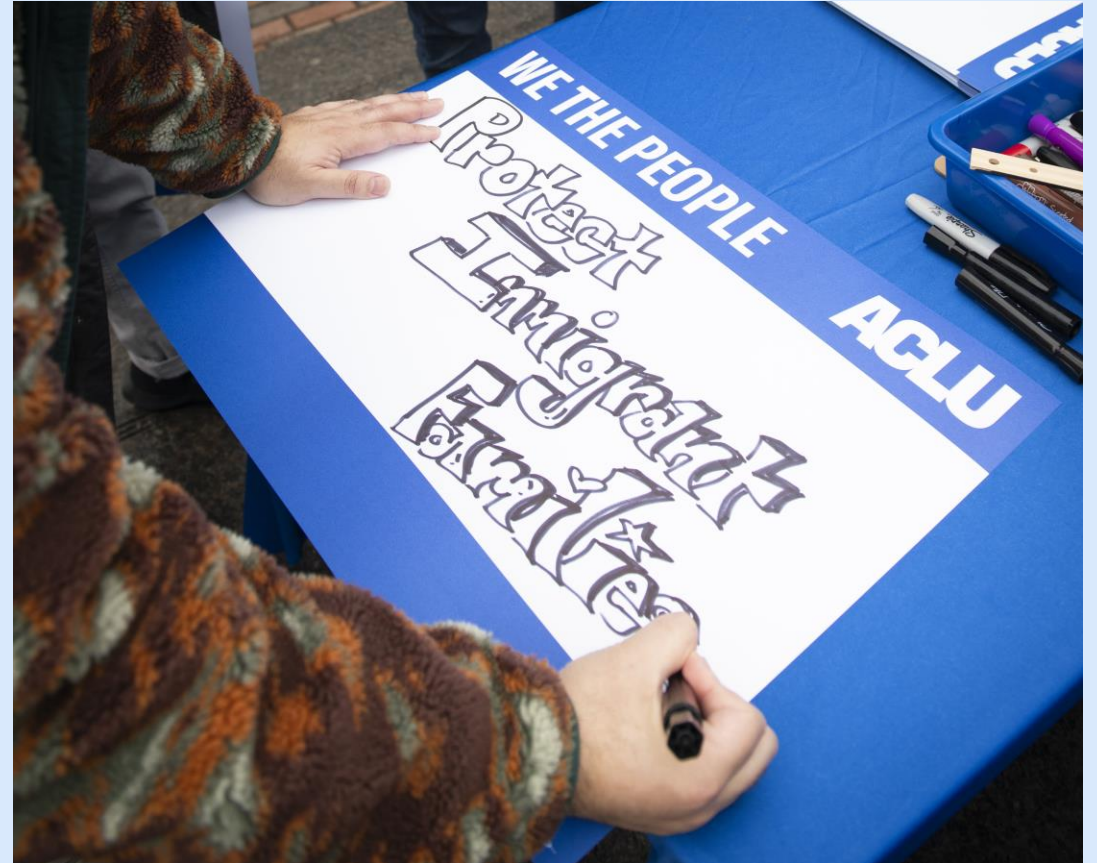


**PROTECT
IMMIGRANTS**

ACLU

Agenda

1. Contextualize the PROTECT Act
2. How did we get here?
3. What is in the PROTECT Act?
4. What does this mean in practice?
5. What's next?



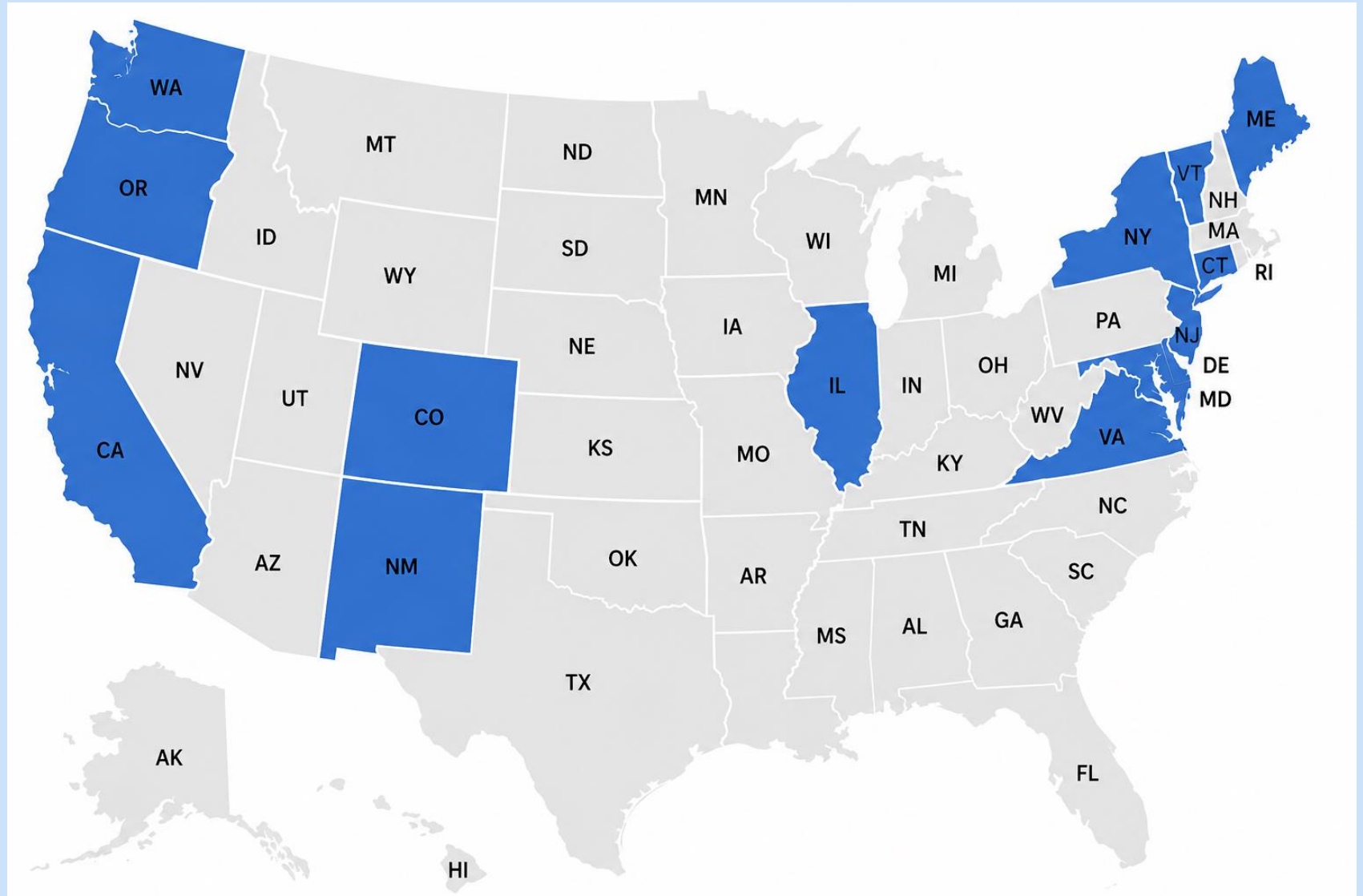
Contextualizing the PROTECT Act

The basics: what is the PROTECT Act?

- Short for “An Act promoting rule of law, oversight, trust, and equal constitutional treatment,” it is a ground-breaking, comprehensive law that consolidates multiple proposals, policies, and executive actions into a unified legislative framework.
- Sixteen major policy sections
- Unifying theme: mitigating the harm of Trump's cruel deportation program in Massachusetts

State laws limiting some form of collaboration with ICE

California
Colorado
Connecticut
Delaware
Illinois
Maine
Maryland
New Jersey
New Mexico
New York
Oregon
Vermont
Virginia
Washington



States with 287(g) contracts



U.S. Immigration
and Customs
Enforcement

ICE OPERATES THREE 287(g) MODELS:

The Jail Enforcement Model allows your officers to identify and process removable aliens who have pending or active criminal charges.

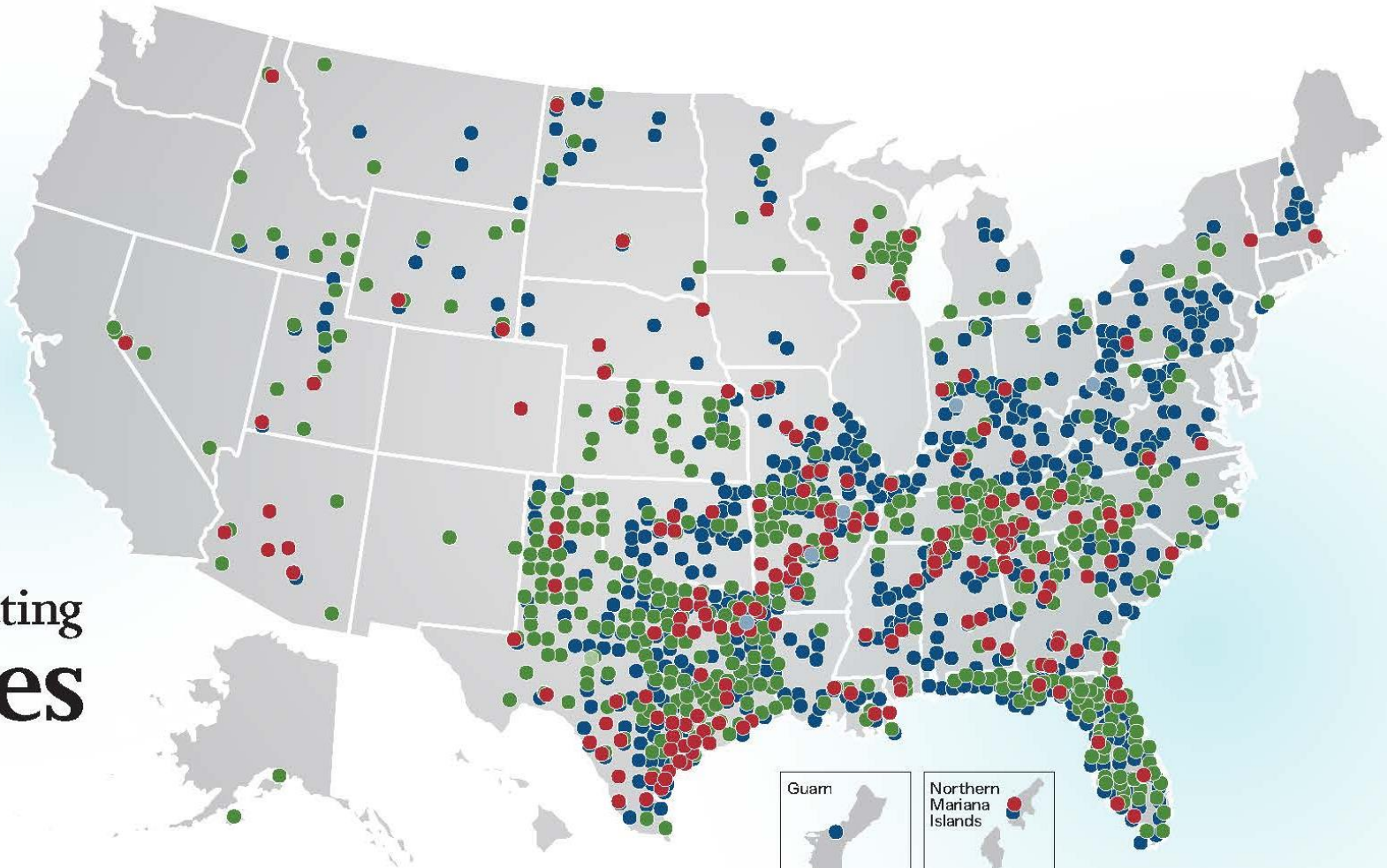
The Task Force Model allows your officers to enforce limited immigration authority while performing routine police duties or as an active participant in an ICE-led task force.

The Warrant Service Officer allows your officers to serve and execute administrative warrants on aliens in your custody.

287(g) Participating Agencies

Participating

- Jail Enforcement Model
- Task Force Model
- Warrant Service Officer



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How did
Massachusetts
get here?



Decades of Advocacy!







Bills set the stage and municipalities lead the way

- 2013: State Trust Act filed
- 2015: Lawrence Trust Act passes
- 2017:
 - Trump takes office
 - Newton kicks off wave of municipal policies
 - Safe Communities Act filed
 - Supreme Judicial Court decides *Lunn* case
- 2022: Driver's License law (WFMA) passed
- 2023: Dignity Not Deportations, Access to Justice, SCA filed; SCA
- 2025: Other bills filed (Access to courts, I-9 audit, and more)
- 2026: PROTECT Act consolidation



So, what is in the
PROTECT Act?

Highlights in three buckets

Limits on state and local assistance to ICE	Limiting civil arrests in sensitive locations	Expansion of Rights & Tools
• Ban on 287(g) agreements • Limits on police collaboration	• Ban on civil arrests at courthouses • Ban on civil arrests at schools, health facilities and day care centers • Standardized guidelines and protocols	• Detainee rights • “Reverse Section 1983” • I-9 audit notice • U & T visa support • Guardianship processes • Audits of detention facilities • Standing commission

1. Limits on state and local assistance to ICE

- Can't use state or local resources for civil immigration enforcement
- Limits on sharing information with ICE
 - Police can't give ICE non-public info about when a person will leave local custody
 - Some exceptions and record-keeping but no "fishing expeditions"
- Specific kinds of assistance banned
 - Can't hold on an ICE detainer (codifies Lunn decision)
 - Can't stop, arrest, search or investigate for civil immigration enforcement

1. Limits on state and local assistance to ICE

- Police generally can't ask about immigration status or citizenship
 - Except when directly material to an element of human trafficking crime or other felony
- Effective ban on 287(g) agreements
 - Limited exception for 12-month contract related to criminal matters, not civil immigration matters. Currently a technical impossibility.
 - DOC keeps its contract

Deeper dive: the DOC 287(g)

- Signed by Governor Deval Patrick in 2007
- Across the country: ballooned from 135 in January 2025 to over 2,100 today
- Not a detention contract – there are no ICE detainees in the DOC
- Not a street-level enforcement contract
- Administrative contract – provides state-funded service to ICE
- Mostly people in DOC are serving a sentence greater than 2.5 years
- PROTECT Act doesn't end it, but has more guardrails if DOC wants to expand
- Legislature is not the only way to end the DOC contract. Governor Healey or DOC

Commissioner can cancel contract.

2. Courts and sensitive locations

- Ban on civil arrests inside and outside courthouses (lawns, plazas, courtyards, steps, ramps, sidewalks, walkways, garage, driveway, parking lots)
- Ban on civil arrests at schools, health facilities and day care centers
- Standardized guidelines, rules and protocols about what to do if ICE comes
- Attorney General can enforce violations

3. Expansion of rights and tools

- Detainee rights
 - Notice of rights upon intake
 - Daily calls to attorneys
 - Access to remote hearings
 - Custody tracker w/ 6-hour notice when arriving and leaving
 - Language access
- “Reverse Section 1983”
 - Refers to a federal law, 42 U.S. Code § 1983, which allows individuals to sue state and local government officials for civil rights violations.
 - Allows individuals to bring a lawsuit in state court both state and federal officials for constitutional violations.

3. Expansion of rights and tools

- I-9 audit notice to employees ahead of audit
- U & T visa updates
- Guardianship processes updated
- Audit of detention facilities
 - Currently, Plymouth county jail
- Standing legislative commission on immigration

What does this mean in practice?

...and when will we see results?

What to expect in practice

Limits on state and local assistance to ICE	Limiting civil arrests in sensitive locations	Expansion of Rights & Tools
• No new 287(g)s • Will codify best practices • Some municipalities will need to adjust to meet these standards • Others may go further Effective 9/4/2026	• Guidelines & protocols forthcoming • Will need to remain vigilant for ICE in these areas • Attorney General can enforce Varying effective dates	• Tools that will allow communities and individuals to seek accountability Varying effective dates

What is next?

Municipalities can lead the way

"Nothing in this section shall be construed to require or permit a law enforcement agency to provide information or other assistance to a federal immigration authority in contravention of local or written policy of such agency."

- PROTECT ACT

Find out more about your city or town laws

Find out more about what local immigration policy does or does not exist in your municipality and fill out our interest form.



PROTECT Act Implementation

Implementation is the most important phase of legislative work. State and local actors will need to be held accountable, so make sure you are paying attention to what plays out in your community.

Lead Where You Live: Municipal Immigration Policy Interest Form



**Thank you for all
you do!**

