New Massachusetts Requirement: Employers Must Give Employees Written Notice Within 48 Hours of an I-9 Inspection Notice

By Michelle De Oliveira on September 16, 2026

On August 5, 2026, Massachusetts enacted legislation requiring employers to provide employees with notice upon receiving a U.S. Immigration and Customs Enforcement ("ICE") I-9 Notice of Inspection ("NOI"). **[1]**

Pursuant to the newly enacted statute, the Massachusetts PROTECT Act,**[2]** employers must provide employees with written notice within 48 hours of receiving a Notice of Inspection (NOI) concerning employment eligibility verification forms or "other employment records."

Other than requiring employers to provide timely notice, the PROTECT Act does not specify how the notice must be provided, what information the notice must contain, or whether employers are subject to any related recordkeeping obligations.

On the heels of the statutory enactment, in September 2026, the Massachusetts Attorney General issued **Guidance** for employers on the new statutory requirement. The **Guidance** contains a sample notice that employers may use when providing the required employee notice.**[3]** Although employers are not required to use this sample notice, it may be a helpful starting point for employers who wish to implement a strategy and plan to comply with the newly imposed notice obligations in the event of a NOI. The **Guidance** makes it clear that notice should be provided in the employee's primary language, and that posting the notice in the workplace alone will not suffice—"employers are expected to provide individual written notice to each employee."

In the coming months, we anticipate that subsequent regulations will provide additional guidance regarding the notice requirements and employers' related obligations.

Based on this new statutory requirement, employers should consider implementing the following best practices:

- **Update or establish ICE response protocols** in the event of a NOI.
- **Prepare an employee notice template** for use in the event of a NOI.
- **Determine how employee notice will be provided** and establish a process for timely delivery.
- **Train management and HR personnel** on the appropriate steps to take upon receipt of a NOI.
- **Conduct an internal I-9 audit** to identify and address potential compliance issues before an inspection occurs.

Employers should ensure that they contact counsel when served with a NOI, and that they understand the obligations that follow thereafter. Embracing certain best practices will be

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an important step to reduce potential legal exposure, while ensuring that there is an appropriate—and legally compliant—plan in place in the event of an I-9 inspection.

We will continue to monitor legal developments relating to the PROTECT Act, and employers with questions are encouraged to contact an RIW employment attorney for additional information.

(*This alert is for informational purposes only and may be considered advertising. It does not constitute the rendering of legal, tax, or professional advice or services. You should seek specific, detailed legal advice prior to taking any definitive actions.)*

[1] Chapter 163 of the Acts of 2026
[2] "An Act Promoting Rule of Law, Oversight, Trust and Equal Constitutional Treatment"
[3] The sample notice is on page 3 of the Guidance.

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