

SD 3091: An Act to Notify Employees of an I-9 Inspection

A Small Change. A Huge Impact.

This bill promotes transparency and due process for immigrant workers, provides clear rules for employers during I-9 audits, and aligns Massachusetts with other states that protect both workers and businesses from sudden and potentially unjust immigration enforcement actions.

No More Surprise ICE Audits.

This bill amends Massachusetts General Laws, Chapter 149, Section 19C, to require that employers notify employees in advance when federal immigration authorities plan to inspect their I-9 forms and personnel files. Under federal law, DHS must provide employers with a Notice of Inspection three days before reviewing employees' I-9 records. This bill ensures employees also get the same three-day advance notice.

Employer's Requirement: Post a Notice.

Employers must post a notice in a visible area within three days of learning of a federal I-9 inspection. The notice informs all employees of an upcoming I-9 inspection. The state will make template notices available.

The I-9 Form.

An I-9 form is filled out by every worker and their employer at the time that the worker begins work. It verifies identity and employment authorization. The federal government has the right to inspect these forms without a warrant so long as they notify employers of an inspection three days in advance.

Why the I-9 Bill is Important Now.

In the past, government agencies, including the Department of Homeland Security (DHS/ICE), have used I-9 inspections as a formal process of ensuring employers are compliant with federal document and immigration laws. Recently, however, attorneys are consistently reporting that ICE is weaponizing this process for data mining and enforcement. Across the country, thousands of employers are being issued inspection notices and ICE is aggressively using I-9 data to deport immigrants and/or punish employers with fines or criminal charges.

This Bill Protects Massachusetts Immigrants and their Employers.

The bill protects lawful immigrant workers and their employers by providing a pocket of due process before ICE arrives. Instead of surprising workers with an ICE inspection, lawful immigrants will have three days to gather the correct documentation to prove valid work authorization. This prevents wrongful arrests and deportation and helps employers avoid workforce disruption and reputational harm from federal enforcement errors.

You can access the bill [here](#). Contact Heather Yountz for questions or to talk more: hyountz@mlri.org