HOUSE DOCKET, NO. 4072 FILED ON: 1/17/2025

HOUSE . . . . . No. 1954

The Commonwealth of Massachusetts

PRESENTED BY:

David M. Rogers and Frank A. Moran

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act ensuring access to equitable representation in immigration proceedings.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
David M. Rogers	*24th Middlesex*	*1/17/2025*
Frank A. Moran	*17th Essex*	*1/17/2025*
James C. Arena-DeRosa	*8th Middlesex*	*3/17/2025*
Christine P. Barber	*34th Middlesex*	*2/18/2025*
John Barrett, III	*1st Berkshire*	*1/27/2026*
Natalie M. Blais	*1st Franklin*	*4/5/2025*
Michael D. Brady	*Second Plymouth and Norfolk*	*2/27/2025*
Michelle L. Ciccolo	*15th Middlesex*	*5/15/2025*
Mike Connolly	*26th Middlesex*	*2/4/2025*
Manny Cruz	*7th Essex*	*2/6/2025*
Leigh Davis	*3rd Berkshire*	*3/19/2025*
Marjorie C. Decker	*25th Middlesex*	*2/14/2025*
Mindy Domb	*3rd Hampshire*	*2/7/2025*
Kate Donaghue	*19th Worcester*	*5/6/2025*
Patricia A. Duffy	*5th Hampden*	*7/6/2025*
Rodney M. Elliott	*16th Middlesex*	*1/10/2026*
Tricia Farley-Bouvier	*2nd Berkshire*	*3/28/2025*
Brandy Fluker-Reid	*12th Suffolk*	*4/16/2025*

Sean Garballey	*23rd Middlesex*	*3/19/2025*
Judith A. Garcia	*11th Suffolk*	*2/10/2025*
Carmine Lawrence Gentile	*13th Middlesex*	*1/31/2025*
Homar Gómez	*2nd Hampshire*	*3/23/2025*
Carlos González	*10th Hampden*	*2/19/2025*
James K. Hawkins	*2nd Bristol*	*2/11/2025*
Natalie M. Higgins	*4th Worcester*	*2/6/2025*
Kevin G. Honan	*17th Suffolk*	*6/9/2025*
Tara T. Hong	*18th Middlesex*	*2/19/2025*
Vanna Howard	*17th Middlesex*	*3/4/2025*
Kristin E. Kassner	*2nd Essex*	*1/21/2026*
Meghan K. Kilcoyne	*12th Worcester*	*1/13/2026*
John J. Lawn, Jr.	*10th Middlesex*	*9/23/2025*
David Henry Argosky LeBoeuf	*17th Worcester*	*2/10/2025*
Jack Patrick Lewis	*7th Middlesex*	*5/14/2025*
David Paul Linsky	*5th Middlesex*	*2/5/2025*
Hadley Luddy	*4th Barnstable*	*7/21/2025*
William F. MacGregor	*10th Suffolk*	*3/31/2025*
Adrian C. Madaro	*1st Suffolk*	*3/11/2025*
Thomas W. Moakley	*Barnstable, Dukes and Nantucket*	*1/27/2026*
Samantha Montaño	*15th Suffolk*	*2/5/2025*
Tram T. Nguyen	*18th Essex*	*4/27/2025*
James J. O'Day	*14th Worcester*	*6/17/2025*
Steven Owens	*29th Middlesex*	*2/12/2025*
Sean Reid	*11th Essex*	*2/5/2025*
Estela A. Reyes	*4th Essex*	*3/19/2025*
Lindsay N. Sabadosa	*1st Hampshire*	*2/3/2025*
Amy Mah Sangiolo	*11th Middlesex*	*4/7/2025*
Greg Schwartz	*12th Middlesex*	*5/12/2025*
Danillo A. Sena	*37th Middlesex*	*1/29/2025*
Priscila S. Sousa	*6th Middlesex*	*3/19/2025*
Thomas M. Stanley	*9th Middlesex*	*1/21/2026*
Joshua Tarsky	*13th Norfolk*	*9/21/2025*
Steven Ultrino	*33rd Middlesex*	*3/24/2025*
Erika Uyterhoeven	*27th Middlesex*	*2/3/2025*
Tommy Vitolo	*15th Norfolk*	*3/4/2025*
Susannah M. Whipps	*2nd Franklin*	*5/14/2025*
Christopher J. Worrell	*5th Suffolk*	*3/5/2025*
Hannah Bowen	*6th Essex*	*12/3/2025*

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HOUSE . . . . . No. 1954

By Representatives Rogers of Cambridge and Moran of Lawrence, a petition (accompanied by bill, House, No. 1954) of David M. Rogers, Frank A. Moran and others for legislation to provide immigration legal services to eligible immigrants and refugees who lack access to legal representation and who are facing removal proceedings from the United States. The Judiciary.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act ensuring access to equitable representation in immigration proceedings.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 29 of the Massachusetts General Laws is amended by adding the following section:

Section 2EEEEEEE.

(a) There is hereby established on the books of the commonwealth a separate fund to be known as the Immigrant Legal Defense Fund, hereinafter the fund, in which shall be credited appropriations by the general court and any monies generated for the fund by corporations or nonprofit entities. The purpose of the fund shall be to provide immigration legal services to eligible immigrants and refugees who lack access to legal representation and who are facing removal proceedings from the United States, especially those in federal immigration detention. The fund shall be administered by the office for refugees and immigrants for disbursement

through a competitive grant program to providers of the aforementioned legal services. Funds shall also be disbursed to support the work of a nonprofit organization designated by the administrator, to be known as the Coordinator, to build and administer a statewide, integrated system for immigrant legal representation. The administrator shall maintain the fund as a separate fund. Interest earned by the fund shall be credited to the fund.

(b) For the purposes of this section, the following words shall have the following meanings unless the context clearly requires otherwise:

"Accredited representative", a non-attorney employee or volunteer of a qualifying nonprofit organization who has been approved by the U.S. Department of Justice to provide immigration legal advice and to represent clients before the U.S. Citizenship and Immigration Services, immigration courts and the Board of Immigration Appeals.

"Administrator", the office of refugees and immigrants within the executive office of health and human services.

"Advisory Committee", the committee established pursuant to subsection (f).

"Coordinator", a nonprofit entity designated by the Administrator to administer a statewide integrated navigation and representation system for immigrant legal defense.

"Covered individual", an income-eligible individual in a covered proceeding without access to immigration legal representation who is a resident or domiciliary of the commonwealth or who has a nexus to the commonwealth.

"Covered proceeding", a judicial or administrative proceeding to determine whether a covered individual is subject to removal from the United States, or a related proceeding

including but not limited to a habeas corpus proceeding, federal appeal, or other civil legal matter affecting a covered individual's removal proceedings.

"Covered venue", (i) an immigration court anywhere in the United States where the case of a covered individual is located; (ii) any tribunal located within the commonwealth, including but not limited to family courts and federal district courts; (iii) with respect to the provision of legal services in the context of expedited removals, any location within the borders of the commonwealth where expedited removals are processed; (iv) the Board of Immigration Appeals; (v) the United States Circuit Courts of Appeals; (vi) the United States Supreme Court; (vii) United States Citizenship and Immigration Services; and (viii) another tribunal as determined by the administrator or a designee of the administrator on a case-by-case basis.

"Culturally responsive legal services", means legal services that are respectful of and relevant to the beliefs, practices, cultures and linguistic needs of diverse consumer or client populations and communities whose members identify as having particular cultural or linguistic affiliations by virtue of their place of birth, ancestry or ethnic origin, religion, preferred language or language spoken at home, and that have the capacity to respond to the issues of diverse communities and to require knowledge and capacity at systemic, organizational, professional and individual levels of intervention.

"Immigration legal services", individualized legal assistance in a single consultation or ongoing legal representation that is provided by a legal services provider to a covered individual, and all legal advice, advocacy, and assistance, including but not limited to social service assistance associated with such service.

"Income-eligible individual", an individual who is deemed eligible for legal services in a covered proceeding based on criteria developed or approved by the administrator whose annual gross household income is not in excess of two hundred percent of the federal poverty guidelines as updated periodically in the Federal Register by the United States Department of Health and Human Services under the authority of 42 U.S.C. § 9902(2).

"Legal services provider", an individual, organization, or association that has the expertise to provide immigration legal services and is approved by the coordinator to provide such services.

“Nexus to the commonwealth”, detained or incarcerated in the commonwealth or subject to a covered proceeding in the commonwealth; transferred by federal immigration authorities to immigration detention in another state; or as otherwise determined by the administrator or designee of the administrator.

(c) The administrator shall designate, and provide sufficient funds to, a coordinator to develop and administer a statewide, integrated system for immigrant legal representation which shall include, but not be limited to (i) providing logistical support and technical assistance to grantees; (ii) screening immigrant applicants to determine income and program eligibility according to criteria developed or approved by the administrator; (iii) providing mentoring and training for attorneys, paralegals, and accredited representatives; and (iv) providing case placement and referral services; provided, that the administrator shall ensure that the designated coordinator has substantial experience providing culturally responsive legal services to immigrants and refugees and administering legal services and caseloads.

(d) The administrator shall issue a request for proposals from and shall award grants to nonprofit organizations, law firms, and qualified private attorneys with significant immigration legal experience in order to provide culturally responsive legal representation to covered individuals in covered proceedings, including but not limited to (i) community-based organizations that employ experienced immigration attorneys, accredited representatives and paralegals; and (ii) private attorneys with immigration legal experience; provided, that such grants shall cover the cost of representation and as well as fees associated with filings, interpretation, and related costs.

(e) The administrator shall require grant recipients to provide immigration legal services without cost to covered individuals, subject to capacity and prioritize services for detained individuals and individuals at imminent risk of deportation. Legal representation shall begin at least before the covered individual's first scheduled appearance in a covered proceeding, or as soon as otherwise practicable.

(f) The administrator shall appoint an advisory committee with up to fifteen members from diverse regions of the Commonwealth that shall include, but is not limited to, 1 representative of the Immigration Impact Unit of the Committee for Public Counsel Services; 1 representative of the Massachusetts Immigrant and Refugee Advocacy Coalition; 1 representative of the New England chapter of the American Immigration Lawyers Association; 1 representative from the Massachusetts Law Reform Institute; 1 representative from a Massachusetts law school; and at least 3 representatives of community-based organizations based in diverse regions of the commonwealth that directly serve impacted populations. The advisory committee shall make recommendations regarding the coordination of services and development of policies, training, and procedures necessary to effectuate the requirements of this

Act. Matters to be considered by the advisory committee may include, but are not limited to, the prioritization of types of cases and covered venues, the extent of access to legal services in covered venues, coordination of services, community engagement efforts, and access to appropriate translation services for individuals with limited English proficiency. The advisory committee shall be convened by the administrator on a regular basis, but no less than four times a year.

(g) Annually, not later than October 1, the administrator shall conduct a review of the fund and its activities, including but not limited to: (i) the sources and amounts of funds received; (ii) the expenditures made from the fund and the purposes of such expenditures; (iii) but not limited to: (i) the sources and amounts of funds received; (ii) the expenditures made from the fund and the purposes of such expenditures; (iii) data on the number and type of cases represented as well as any barriers or challenges experienced by grantees. This review shall be included in a report and submitted to the clerks of the house of representatives and the senate, and the joint committee on the judiciary.

SECTION 2. (a) The general court shall, subject to appropriation, fund the Immigrant Legal Defense Fund in the general appropriations act through a specifically dedicated line-item to be administered by the office for refugees and immigrants within the executive office of health and human services to effectuate the purposes of this act. This will not be in lieu of any additional appropriation attributed to the fund through alternative sources or deposits.

(b) On or before July 31, 2026, and on July 31 each year thereafter, the administrator shall award grants from the fund, subject to appropriation, to qualifying organizations.