

HOUSE No.

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:
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>1/17/2025</i>
<i>Frank A. Moran</i>	<i>17th Essex</i>	<i>1/17/2025</i>

HOUSE No.

[Pin Slip]

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:

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

3 Section 2EEEEEEEE.

4
5 (a) There is hereby established on the books of the commonwealth a separate fund to be
6 known as the Immigrant Legal Defense Fund, hereinafter the fund, in which shall be credited
7 appropriations by the general court and any monies generated for the fund by corporations or
8 nonprofit entities. The purpose of the fund shall be to provide immigration legal services to
9 eligible immigrants and refugees who lack access to legal representation and who are facing
10 removal proceedings from the United States, especially those in federal immigration detention.
11 The fund shall be administered by the office for refugees and immigrants for disbursement
12 through a competitive grant program to providers of the aforementioned legal services. Funds
13 shall also be disbursed to support the work of a nonprofit organization designated by the

14 administrator, to be known as the Coordinator, to build and administer a statewide, integrated
15 system for immigrant legal representation. The administrator shall maintain the fund as a
16 separate fund. Interest earned by the fund shall be credited to the fund.

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

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

23 “Administrator”, the office of refugees and immigrants within the executive office of
24 health and human services.

25 “Advisory Committee”, the committee established pursuant to subsection (f).

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

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

31 “Covered proceeding”, a judicial or administrative proceeding to determine whether a
32 covered individual is subject to removal from the United States, or a related proceeding
33 including but not limited to a habeas corpus proceeding, federal appeal, or other civil legal
34 matter affecting a covered individual’s removal proceedings.

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

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

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

54 "Income-eligible individual", an individual who is deemed eligible for legal services in a
55 covered proceeding based on criteria developed or approved by the administrator whose annual
56 gross household income is not in excess of two hundred percent of the federal poverty guidelines

57 as updated periodically in the Federal Register by the United States Department of Health and
58 Human Services under the authority of 42 U.S.C. § 9902(2).

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

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

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

75 (d) The administrator shall issue a request for proposals from and shall award grants to
76 nonprofit organizations, law firms, and qualified private attorneys with significant immigration
77 legal experience in order to provide culturally responsive legal representation to covered
78 individuals in covered proceedings, including but not limited to (i) community-based

79 organizations that employ experienced immigration attorneys, accredited representatives and
80 paralegals; and (ii) private attorneys with immigration legal experience; provided, that such
81 grants shall cover the cost of representation and as well as fees associated with filings,
82 interpretation, and related costs.

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

88 (f) The administrator shall appoint an advisory committee with up to fifteen members
89 from diverse regions of the Commonwealth that shall include, but is not limited to, 1
90 representative of the Immigration Impact Unit of the Committee for Public Counsel Services; 1
91 representative of the Massachusetts Immigrant and Refugee Advocacy Coalition; 1
92 representative of the New England chapter of the American Immigration Lawyers Association; 1
93 representative from the Massachusetts Law Reform Institute; 1 representative from a
94 Massachusetts law school; and at least 3 representatives of community-based organizations
95 based in diverse regions of the commonwealth that directly serve impacted populations. The
96 advisory committee shall make recommendations regarding the coordination of services and
97 development of policies, training, and procedures necessary to effectuate the requirements of this
98 Act. Matters to be considered by the advisory committee may include, but are not limited to, the
99 prioritization of types of cases and covered venues, the extent of access to legal services in
100 covered venues, coordination of services, community engagement efforts, and access to
101 appropriate translation services for individuals with limited English proficiency. The advisory

102 committee shall be convened by the administrator on a regular basis, but no less than four times a
103 year.

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

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

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