

**Massachusetts Immigration Coalition (IMCO) Policy Priorities for the
Healey-Driscoll Administration¹**

Legislative Priorities:

The first reform can be led by the administration, and we strongly encourage the administration to support the proposed legislation of the other priorities (2-4).

1. Funds for New Arrivals and Universal Representation for Detainees:

- a. Support the \$130M supplemental budget request, and create a budget item for increased funding for underserved emergent asylum-seeking communities in Massachusetts. The state has been overwhelmed by new noncitizen arrivals in a series of refugee crises. Most of these new arrivals are struggling to access basic necessities – shelter, food, and health care – and have no money for legal services. Many have been placed in the overburdened Dedicated Docket system, a fast-track deportation process in immigration court, and are in need of immediate legal assistance. The requested support is consistent with the Healey/Driscoll administration’s statement: “[W]e should be working towards bringing the number of families housed in hotels and motels to zero.”
- b. Create a budget item for a universal representation pilot in Massachusetts for the detained immigrant population that is held under contracts with one county facility in Massachusetts while their immigration cases are pending.

2. Health Care for All Children: Expand health care coverage to all children without regard to immigration status by supporting An Act to Ensure Equitable Health Coverage for Children (the Cover All Kids bill) to ensure that all income-eligible children and young adults have access to comprehensive health benefits. Health is a universal right, and many children are harmed by existing limitations to medical coverage for immigrant children. This fulfills one of the governor-elect’s stated priorities: “providing health care coverage to all children regardless of their or their parents’ immigration status.”

¹ The Massachusetts Law Reform Institute respectfully submits this list of administrative and legislative priorities on behalf of the Massachusetts Immigration Coalition (“IMCO”), which consists of the 14 regional legal aid programs in the Commonwealth of Massachusetts and 140 other nonprofit immigration service providers, representing thousands of low-income immigrants in the state and the region.

3. In-State Tuition: Expand in-state tuition and state financial aid by supporting the Tuition Equity Act and similar bills. Massachusetts would join at least 21 states and the District of Columbia, which have laws or policies enabling students who meet certain criteria to pay in-state tuition at public colleges and universities, regardless of immigration status. A growing number of states also offer state financial aid to these students. In Massachusetts, students with DACA, Temporary Protected Status (TPS), and certain other statuses qualify for in-state tuition, but undocumented students do not – regardless of how long they have lived here. Most of these students, including DACA and TPS holders, are also ineligible for federal or state financial aid. This legislation would benefit thousands of current public school students across the state, and it would place all Massachusetts students on equal footing. Further, it would contribute to reducing poverty over the long run and to building the economic strength of the Commonwealth as a result. In 2019, Governor-elect Healey as Attorney General supported enactment of this proposed legislation.
4. End State/Local Law Enforcement Involvement in Immigration: Support legislation to disentangle state and local law enforcement from federal immigration enforcement, including the Safe Communities Act, which would limit the use of Massachusetts public safety resources for federal immigration enforcement, and An Act Relative to Enforcing Federal Law, which would end the use of scarce state and local resources for 287(g) agreements with Immigration and Customs Enforcement (ICE). Additional legislation to halt the expansion of immigration detention in the state should also be considered. These actions would restore community trust in public institutions, avoid due process violations of noncitizens, and prevent the state and local government from becoming entangled in immigration matters. This is a priority of the governor-elect: “Ending state and local law enforcement’s involvement in federal immigration matters.”

Administrative Priorities:

The first two reforms described below can be implemented by the administration directly, and the rest of the priorities (3-6) require the governor-elect to issue timely guidance that instructs the relevant agencies about the reforms.

1. U Visa Certification Authority: Working in partnership with the Attorney General's office, issue policy guidance to state and local agencies about what crimes are certifiable for U visas, and indicate that all agencies can exercise the statutory authority under M.G.L. ch. 258F to certify U visas. Since the Governor's Secretary of Public Safety is a co-chair of the interagency crime victim certification steering committee charged with implementing M.G.L. ch. 258F, this authority can be broadened beyond the Department of Children and Families and the Massachusetts Commission Against Discrimination to allow certification by other state agencies. This

creates a safer local and state government through greater participation in law enforcement, and it protects victims of unlawful activity who would otherwise be afraid of coming forward because of their immigration status.

2. Increased Funds for Vulnerable Noncitizens: Allocate more of the governor's available funds (or future budgets) for the following projects:
 - a. The existing Haitian Refugee Assistance Project (representation and housing);
 - b. A post-COVID just recovery compensation fund for immigrants who were disqualified under the federal pandemic relief program;
 - c. A better coordinated state response to recent immigrant arrivals; and
 - d. Specific funding for DCF to ensure that noncitizen youth in their care have comprehensive and meaningful legal representation to secure immigration status.

The state funding must match the need of these vulnerable populations, and there should be sufficient resources for the unprecedented number of new noncitizens in Massachusetts. Distributing those funds that are not directed specifically to a state agency (e.g. the DCF allocation) to trusted community partners with minimal administrative barriers would best support this population.

3. License/ID Issuance: Improve license and ID issuance for immigrants by incorporating the Driving Families Forward Coalition's and other immigrant rights stakeholders' comments on regulatory reforms and adopting previously offered proposals for sub-regulatory agency improvements to documentation practices that have persistently harmed immigrants with various types of statuses. With licenses and IDs becoming available to additional residents of the Commonwealth in 2023, it is particularly important that a well-implemented system prevents the Registry of Motor Vehicles from denying licenses and ID cards to eligible noncitizens because of misunderstandings about proper documentation and procedure. With respect to documented immigrants, who have historically experienced delays and denials at the branch level that the current administration has been willing to resolve on a problem case basis, we encourage the governor-elect to elevate the resolution of this issue systemically by adopting the sub-regulatory reforms already proposed by advocates. With respect to the undocumented, this is a stated priority of the governor-elect: "Ensuring that eligible undocumented residents can receive a driver's license, regardless of immigration status."
4. Terminating 287(g) and Institutional Hearing Program: Commit to terminating the existing 287(g) contract and Institutional Hearing Program (IHP) agreement between the Department of Correction (DOC) and ICE. Under the current 287(g) contract,

deputized DOC officers are given the authority and broad discretion to perform several immigration enforcement functions typically reserved to federal ICE officers. IHP agreements have long been criticized for their lack of transparency and oversight. These agreements further blur the boundaries between the criminal legal and immigration systems by permitting immigration judges to conduct removal proceedings against incarcerated noncitizens while these individuals serve criminal sentences in state prison facilities and are less likely to obtain legal representation. The Massachusetts DOC is one of only four (4) departments of corrections in the country to have a statewide 287(g) contract and at least five (5) Massachusetts DOC prisons are active in the IHP. These programs have been repeatedly shown to violate the civil and due process rights of noncitizens. Untangling state and federal government from immigration enforcement is a crucial step in restoring community trust in local institutions. This falls directly under the governor-elect's stated immigration priority: "Ending state and local law enforcement's involvement in federal immigration matters."

5. Transparency on Detention: Provide transparency on who is being detained in Massachusetts in ICE custody and under the Institutional Hearing Program (IHP). For example, the Secretary of Public Safety and Security should require, on a regular basis, detention facilities in Massachusetts to provide a list of who is detained. This information should be made available to nonprofit legal services organizations that serve this population to ensure timely and unimpeded access to legal representation. Prior to the Trump administration, this type of detainee information was shared with legal services organizations, and this practice should be restored so that detained noncitizens have better access to legal representation.

6. Need-based Aid to Lawfully Present Students: Develop a new Board of Education/Department of Education policy extending state need-based and other aid without regard to federal Title IV requirements. This policy will help thousands of noncitizen youth in Massachusetts who hold TPS, DACA, U visa, and many other lawful statuses who are unable to afford college because they are denied need-based aid. This policy will be consistent with the position of the Attorney General's office under Governor-elect Healey in the *Commonwealth v. de Vos* case that, together with MLRI's *Noerand v de Vos*, resulted in a federal court ruling regarding federal grants which held that Title IV requirements are unlawful in the absence of statutory language requiring it.