

SENATE BILL REPORT

2SHB 2105

As of February 24, 2026

Title: An act relating to protecting immigrant workers.

Brief Description: Concerning immigrant worker protections.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Ortiz-Self, Mena, Farivar, Cortes, Berry, Ramel, Fosse, Parshley, Ryu, Stearns, Doglio, Simmons, Peterson, Reed, Obras, Santos, Zahn, Fitzgibbon, Street, Wylie, Scott, Thomas, Duerr, Stonier, Gregerson, Ormsby, Callan, Goodman, Reeves, Thai, Macri, Bergquist, Salahuddin, Hill, Davis and Pollet; by request of Attorney General).

Brief History: Passed House: 2/13/26, 56-38.

Committee Activity: Labor & Commerce: 2/20/26 [DP-WM, DNP].

Ways & Means: 2/26/26.

Brief Summary of Bill

- Requires an employer to notify its workers within 72 hours of receiving a federal Notice of Inspection of Employment Eligibility Verification Forms I-9 (Forms I-9).
- Requires an employer to notify affected workers within 72 hours of receiving the results of any inspection of Forms I-9.
- Allows the attorney general to bring civil actions for violations, and allows injured workers to bring private civil actions.

SENATE COMMITTEE ON LABOR & COMMERCE

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Saldaña, Chair; Alvarado, Vice Chair; Conway, Vice Chair; Hunt and Stanford.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Minority Report: Do not pass.

Signed by Senators King, Ranking Member; Braun, MacEwen and Schoesler.

Staff: Marlon Llanes (786-7423)

SENATE COMMITTEE ON WAYS & MEANS

Staff: Samuel Brown (786-7470)

Background: Federal law, primarily through the Immigration and Nationality Act of 1952, controls which immigrants can enter, stay, and work in the United States. The Immigration Reform and Control Act of 1986 (IRCA) prohibits employers from knowingly hiring immigrants who are not authorized to work in the United States. An employer who violates the IRCA may be subject to civil and criminal penalties. The United States Department of Homeland Security, which includes Immigration and Customs Enforcement, enforces laws governing border control, customs, trade, and immigration.

The IRCA requires an employer to verify the identity and employment eligibility of every employee by using the Employment Eligibility Verification Form I-9 (Form I-9), and maintain the original Form I-9 for possible inspection for at least three years from the date of hire or for one year after the employee is no longer employed, whichever is later. While federal officials are not required to obtain a subpoena or warrant to inspect Forms I-9, federal regulations require officials to provide an employer with at least three business days' advance notice prior to an inspection, referred to as a Notice of Inspection (NOI). An employer may waive the three-day notice requirement. Following an inspection, officials will issue a relevant results notice to the employer. This could include a Notice of Inspection Results, Notice of Suspect Documents, Notice of Discrepancies, Notice of Technical or Procedural Failures, Warning Notice, or Notice of Intent to Fine. In a case where an employer's workforce includes unauthorized workers, officials may take enforcement action. If officials appear at a worksite to conduct other forms of immigration enforcement, they may enter a public space without permission or a warrant. Officials must obtain a warrant or an employer's permission to enter a private workspace.

Summary of Bill: Notice Requirements. Beginning October 1, 2026, an employer must post and distribute notices to its workers and their representatives within 72 hours of receiving an NOI of Forms I-9 and any related worker records from a federal agency, which includes the United States Department of Homeland Security, United States Department of Justice Immigrant and Employee Rights Section, the United States Department of Labor, and any other agency enforcing civil immigration laws or employment eligibility requirements.

The notice must include certain information in English and the five most commonly used non-English languages in the state, such as the name of the federal agency, the date of the NOI, the types of records sought, and contact information for a statewide organization that

provides advocacy related to immigrant and refugee rights. The notice must also include a copy of the NOI. While an employer may use its own notice, the attorney general (AG) must develop and publish a model notice for employers to use without requiring translation services, subject to certain requirements in the bill. The model notice must be published by September 1, 2026. An employer that uses the model notice is considered to have satisfied the required elements.

The notice of the NOI must be posted in conspicuous places on the premises of the employer where notices to workers are customarily posted. The employer must also transmit the notice directly to workers using the primary method of communication typically used by the employer, which must include at least one of the following:

- hand delivery to the worker;
- mail with proof of delivery;
- mail with proof of transmission; or
- text message sent telephonically, which may include a link to a notice maintained on a web page, with proof of transmission.

Beginning October 1, 2026, an employer must distribute notices to affected workers and their representatives within 72 hours of receiving the results of any inspection of Forms I-9 and any related worker records. This applies to any worker identified by the federal agency as lacking federal work authorization or any worker whose Form I-9 has been identified as having deficiencies. The notice must include a copy of the written notice from the federal agency, as well as the following information in the language most regularly used to communicate between the employer and the affected worker:

- a description of any deficiencies or other items identified in the results notice related to the affected worker;
- the time period for correcting any potential deficiencies;
- a mutually agreed upon time and date, or options for times and dates, for a meeting with the employer to correct any identified deficiencies; and
- notice that the worker has the right to representation during any meeting scheduled with the employer.

The notice must be transmitted directly to the affected workers using the primary method of communication typically used by the employer, similar to the notice of the NOI.

By September 1, 2026, the AG must develop and publish a poster for employers to inform workers of the notice requirements in English and the five most commonly used non-English languages in the state. The poster must include space for an employer to provide information on where they will post required notices. By October 1, 2026, every employer must post the poster in a conspicuous place on the premises of the employer where notices to workers are customarily posted.

Self-Audits. Employers are not required to perform Form I-9 self-audits. Any Form I-9 self-audit must comply with all applicable federal, state, and local antidiscrimination and anti-

retaliation laws and any applicable collective bargaining agreements. An employer may not impose work authorization verification or reverification requirements greater than those required by federal law.

Outreach to Employers. By September 1, 2026, the AG must develop and publish guidance describing employers' rights to restrict a federal agency from accessing nonpublic areas in a place of labor and from accessing or obtaining certain worker records without a subpoena or judicial warrant. Through October 1, 2027, the AG must conduct outreach to businesses, employers, and community members to provide information and guidance on the requirements in the bill.

Anti-Retaliation. An employer may not interfere with, restrain, or deny the exercise of any worker's rights in the bill, including using any such exercise of rights as a negative factor in any employment action. An employer may not take any adverse action against a worker because the worker has exercised their rights in the bill.

Enforcement. The AG may investigate alleged violations and also resolve alleged violations through conference and conciliation. The AG may also pursue legal action in the name of the state to enjoin violations, and obtain actual damages, statutory damages, and any other appropriate relief at law or equity, plus reasonable attorneys' fees and costs.

For each violation of a notice requirement, the court must order the employer to pay statutory damages to the AG in the amount of \$1,000 for each instance where the employer failed to provide a notice to a worker satisfying the requirements. The court shall double the statutory damages if it finds that the violation was willful. The court may waive or reduce the statutory damages under this section if the employer's violation was inadvertent, the violation did not result in actual harm, and the employer made prompt and good faith efforts to correct the violation.

A worker, former worker, or a person injured by a violation may bring a private cause of action in superior court to enjoin further violations, recover damages, and seek any other equitable relief or appropriate remedy, plus reasonable attorneys' fees and costs. If the court finds that an employer has committed a violation, the court must award damages up to and including an amount equal to actual damages or statutory damages equivalent to 80 times the hourly Washington State minimum wage per plaintiff per violation, whichever is greater.

Appropriation: None.

Fiscal Note: Requested on February 17, 2026.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill contains several effective dates. Please refer to the bill. The bill is

null and void unless funded in the budget.

Staff Summary of Public Testimony (Labor & Commerce): No public hearing was held.

Persons Testifying (Labor & Commerce): N/A

Persons Signed In To Testify But Not Testifying (Labor & Commerce): N/A