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**SECOND SUBSTITUTE HOUSE BILL 2105**

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**State of Washington**

**69th Legislature**

**2026 Regular Session**

**By** House 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)

READ FIRST TIME 02/09/26.

1 AN ACT Relating to protecting immigrant workers; adding a new  
2 chapter to Title 49 RCW; creating a new section; prescribing  
3 penalties; and providing an effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that immigrant  
6 workers contribute to Washington state's strong economy. According to  
7 research from the immigration research initiative, immigrants account  
8 for 15 percent of the population in Washington state, yet contribute  
9 21 percent of economic output, or gross domestic product (GDP).  
10 Immigrant workers contribute an estimated \$145,000,000,000 to  
11 Washington state's GDP per year.

12 (2) The legislature finds that civil immigration enforcement  
13 through workplace raids conducted by the federal government is  
14 disruptive to families and communities, reduces community safety, and  
15 is ineffective at deterring illegal conduct by employers or raising  
16 standards for workers.

17 (3) The legislature finds that employers could benefit from  
18 clarity about their rights and responsibilities when engaging with  
19 federal agencies that conduct form I-9 inspections. The legislature  
20 seeks to provide resources and support to employers about their  
21 rights and the rights of their workers.

1 (4) The legislature finds that protecting Washingtonians who are  
2 abiding by our state laws and keeping families together is an urgent  
3 statewide priority.

4 (5) The legislature therefore intends to require Washington  
5 employers to provide notice to workers in the event of a form I-9  
6 inspection and provide additional protections and support for workers  
7 and employers.

8 NEW SECTION. **Sec. 2.** The definitions in this section apply  
9 throughout this chapter unless the context clearly requires  
10 otherwise.

11 (1) "Affected worker" means a worker identified by the federal  
12 agency inspection results to be a worker who may lack federal work  
13 authorization, or a worker whose federal work authorization documents  
14 or form I-9 have been identified by the federal agency inspection  
15 results to have deficiencies.

16 (2) "Employ" means to suffer or permit to work.

17 (3) "Employer" means any person, firm, corporation, partnership,  
18 business trust, legal representative, or other business entity which  
19 engages in any business, industry, profession, or activity in this  
20 state and employs one or more workers, and includes the state, any  
21 state institution, state agency, political subdivisions of the state,  
22 and any municipal corporation or quasi-municipal corporation.

23 (4) "Federal agency" means an agency of the United States  
24 government that enforces or aids in enforcing United States federal  
25 civil immigration laws or employment eligibility inspections,  
26 including but not limited to any person or class of persons  
27 authorized to perform the functions of an immigration officer as  
28 defined in the immigration and nationality act, without regard to the  
29 agency for whom the person is employed. Officials from the United  
30 States department of homeland security, department of justice  
31 immigrant and employee rights section or its successor, and  
32 department of labor are included in this definition when on duty.

33 (5) "Form I-9" refers to the United States citizenship and  
34 immigration services employment eligibility verification form used by  
35 employers to comply with 8 U.S.C. Sec. 1324a(b) to verify the  
36 identity and work authorization of employees or any successor form  
37 used by employers for the same purposes under federal law.

38 (6) "Worker" means any person employed by an employer.

1 (7) "Worker records" means documentation that includes a worker's  
2 first name or first initial and last name in combination with any one  
3 or more of the following data elements: (a) Social security number;  
4 (b) driver's license number or Washington identification card number;  
5 (c) residential address; (d) student, military, or passport  
6 identification number; (e) biometric data generated by automatic  
7 measurements of an individual's biological characteristics such as a  
8 fingerprint, voiceprint, eye retinas, irises, or other unique  
9 biological patterns or characteristics that is used to identify a  
10 specific individual; (f) information that includes a geolocation  
11 component that could be used to identify a worker's location. "Worker  
12 records" also includes documentation that includes the first name or  
13 first initial and last name of a family member of a worker in  
14 combination with the data elements outlined in this subsection.

15 (8) "Worker's authorized representative" means an exclusive  
16 collective bargaining representative.

17 NEW SECTION. **Sec. 3.** (1) By September 1, 2026, the attorney  
18 general shall develop and make available on its website the  
19 following:

20 (a) A poster for employers to inform workers of the notice  
21 requirements in sections 5 and 6 of this act in English and the five  
22 most commonly used non-English languages in the state. The poster  
23 must include space for an employer to provide information on where  
24 they will post notices and otherwise communicate notices required  
25 under sections 5 and 6 of this act; and

26 (b) A model notice for employers to use for complying with the  
27 notice requirement under section 5 of this act in English and the  
28 five most commonly used non-English languages in the state. The model  
29 notice must:

30 (i) Include either a template or itemized options, or both, for  
31 the employer to identify the following elements without requiring the  
32 use of translation services: (A) The name of the federal agency that  
33 will be conducting the inspection; (B) the date that the employer  
34 received notice of the inspection; and (C) the types of records  
35 sought and any other identified purposes of the inspection;

36 (ii) Allow for the employer to include, attach, or otherwise  
37 provide a link to a copy of the notice of inspection; and

1 (iii) Include contact information for a statewide organization  
2 that provides information and advocacy related to immigrant and  
3 refugee rights; and

4 (c) Guidance describing employers' rights to restrict a federal  
5 agency from accessing nonpublic areas in a place of labor and from  
6 accessing or obtaining certain worker records without a subpoena or  
7 judicial warrant, which must be in English and the five most commonly  
8 used non-English languages in the state.

9 (2) Through October 1, 2027, the attorney general shall conduct  
10 outreach to businesses, employers, and community members to provide  
11 information and guidance on the requirements of this chapter.

12 NEW SECTION. **Sec. 4.** Every employer shall post and keep posted,  
13 in a conspicuous place or places on the premises of the employer  
14 where notices to workers are customarily posted, the poster required  
15 under section 3(1)(a) of this act.

16 NEW SECTION. **Sec. 5.** (1) Within 72 hours of receiving  
17 notification from a federal agency of any inspection of I-9 forms and  
18 any related worker records, an employer shall provide a written  
19 notice to each worker and the worker's authorized representative, if  
20 any.

21 (2) The notice under this section must include:

22 (a) A copy of the notice of inspection from the federal agency;  
23 and

24 (b) The following information in English and the five most  
25 commonly used non-English languages in the state:

26 (i) The name of the federal agency which will be conducting the  
27 inspection;

28 (ii) The date that the employer received notice of the  
29 inspection;

30 (iii) The types of records sought and the other identified  
31 purposes of the inspection to the extent known by the employer; and

32 (iv) Contact information for a statewide organization that  
33 provides information and advocacy related to immigrant and refugee  
34 rights, which must be identified and approved by the attorney general  
35 for purposes of this requirement.

36 (3) An employer may use the model notice under section 3(1)(b) of  
37 this act for purposes of subsection (2) of this section. If an  
38 employer uses the model notice in accordance with the instructions

1 provided by the attorney general, then the employer has satisfied the  
2 requirements of subsection (2) of this section for purposes of any  
3 action under section 9 or 10 of this act.

4 (4) The employer shall provide the notice required under this  
5 section by:

6 (a) Posting and maintaining the posting through the completion of  
7 the inspection in conspicuous places on the premises of the employer  
8 where notices to workers are customarily posted; and

9 (b) Transmitting the notice directly to workers using the primary  
10 method of communication typically used by the employer, which must  
11 include at least one of the following: Hand delivery to the worker;  
12 mail with proof of delivery; email with proof of transmission; or  
13 text message sent telephonically, which may include a link to a  
14 notice maintained on a web page, with proof of transmission.  
15 Acceptable forms of proof of transmission or delivery, which are  
16 rebuttable include, but are not limited to: Mail with proof of  
17 sending; dated electronic transmission; posting with time-stamped  
18 photographs; or other reasonable records maintained in the ordinary  
19 course of business to demonstrate notice to workers of employment  
20 related matters.

21 NEW SECTION. **Sec. 6.** (1) Within 72 hours of its receipt of a  
22 written notice of results of an inspection of I-9 forms and any  
23 related worker records by a federal agency, an employer shall:

24 (a) Provide to each affected worker and the worker's authorized  
25 representative, if any, a copy of the written notice from the federal  
26 agency;

27 (b) Provide to each affected worker and the worker's authorized  
28 representative, if any, a written notice of the obligations of the  
29 employer and the affected worker arising from the results of the  
30 inspection of I-9 forms and any related worker records, which must be  
31 written in the language most regularly used to communicate between  
32 the employer and the affected worker; and

33 (c) Provide to each affected worker and the worker's authorized  
34 representative, if any, the following information, which must be  
35 written in the language most regularly used to communicate between  
36 the employer and the affected worker:

37 (i) A description of any deficiencies or other items identified  
38 in the written immigration inspection results notice related to the  
39 affected worker;

1 (ii) The time period for correcting any potential deficiencies  
2 identified by the federal agency;

3 (iii) A mutually agreed upon time and date, or options for times  
4 and dates, within the allotted correction period, for a meeting with  
5 the employer to correct any identified deficiencies; and

6 (iv) Notice that the worker has the right to representation  
7 during any meeting scheduled with the employer.

8 (2) The information provided to the worker under this section  
9 must relate to the affected worker only. The employer must redact any  
10 other workers' personal information as defined in RCW 19.255.005.

11 (3) The employer shall transmit the information required by this  
12 section to the affected worker and the worker's authorized  
13 representative using the primary method of communication typically  
14 used by the employer, which must include at least one of the methods  
15 identified under section 5(4)(b) of this act.

16 (4) This section does not modify or limit a collective bargaining  
17 agreement requiring shorter time frames for a notice than those  
18 provided under this section.

19 NEW SECTION. **Sec. 7.** (1) Employers are not required by law to  
20 perform form I-9 self-audits. Any form I-9 self-audit must comply  
21 with all applicable federal, state, and local antidiscrimination and  
22 antiretaliation laws including, but not limited to: 8 U.S.C. Sec.  
23 1324b, 29 U.S.C. Secs. 201-219, 29 U.S.C. Secs. 151-169, 42 U.S.C.  
24 Sec. 2000e *et seq.*, chapter 49.60 RCW, and chapter 49.46 RCW. Any  
25 form I-9 self-audit must also comply with applicable collective  
26 bargaining agreements.

27 (2) An employer may not impose work authorization verification or  
28 reverification requirements greater than those required by federal  
29 law.

30 NEW SECTION. **Sec. 8.** (1) It is unlawful for an employer to  
31 interfere with, restrain, or deny the exercise of any worker's rights  
32 provided under or in connection with this chapter. This means an  
33 employer may not use a worker's exercise of any of the rights  
34 provided under this chapter as a negative factor in any employment  
35 action such as evaluation, promotion, or termination, or otherwise  
36 subject a worker to discipline for the exercise of any rights  
37 provided under this chapter, except that an employer is not  
38 prohibited from taking actions required by state or federal law.

1 (2) It is unlawful for an employer to take any adverse action  
2 against a worker because the worker has exercised their rights  
3 provided under this chapter. Such rights include, but are not limited  
4 to: Filing a complaint or action, or instituting or causing to be  
5 instituted any proceeding under or related to this chapter;  
6 participating in any investigation or proceeding regarding any rights  
7 provided under this chapter; or testifying or intending to testify in  
8 any such proceeding related to any rights provided under this  
9 chapter.

10 (3) "Adverse action" means any action taken or threatened by an  
11 employer against a worker for their exercise of rights under this  
12 chapter, which may include, but is not limited to:

13 (a) Denying access to, or delaying payment for, minimum wages,  
14 agreed or obligated wages, overtime wages, paid sick leave, piece  
15 rate compensation, commissions, nondiscretionary compensation or  
16 bonuses, all tips and gratuities, and all service charges, except  
17 those service charges itemized as not being payable to the worker or  
18 workers servicing the customer;

19 (b) Terminating, suspending, demoting, or denying a promotion;

20 (c) Reducing the number of work hours for which the worker is  
21 scheduled;

22 (d) Altering the worker's preexisting work schedule;

23 (e) Reducing the worker's rate of pay; or

24 (f) Threatening to take, or taking action, based upon the  
25 immigration status of a worker or a worker's family member.

26 NEW SECTION. **Sec. 9.** (1) The attorney general has the authority  
27 to:

28 (a) Resolve alleged violations of this chapter through conference  
29 and conciliation;

30 (b) Investigate potential violations of this chapter on its own  
31 initiative or in response to complaints; and

32 (c) Issue written civil investigative demands for documents, oral  
33 testimony, and answers to written interrogatories.

34 (2) Any personal information about a worker or a worker's family  
35 member, including names, in a complaint or investigation is  
36 confidential and exempt from public inspection, copying, or  
37 disclosure under chapter 42.56 RCW.

1 (3) The attorney general may pursue legal action in the name of  
2 the state to enjoin violations of this chapter, and obtain actual  
3 damages, statutory damages, and any other appropriate relief at law  
4 or equity, plus reasonable attorneys' fees and costs.

5 (a) For each violation of a notice requirement in section 5 or 6  
6 of this act, the court shall order the employer to pay statutory  
7 damages to the attorney general in the amount of \$1,000 for each  
8 instance where the employer failed to provide a notice satisfying the  
9 requirements of section 5 or 6 of this act to a worker. The court  
10 shall double the statutory damages if it finds that the violation was  
11 willful.

12 (b) The court may waive or reduce the statutory damages under  
13 this section if the employer's violation was inadvertent, if the  
14 violation did not result in actual harm, and if the employer made  
15 prompt and good faith efforts to correct the violation.

16 NEW SECTION. **Sec. 10.** A worker, former worker, or a person  
17 injured by a violation of this chapter or an organization whose  
18 membership includes any such person may bring a private cause of  
19 action in superior court to enjoin further violations, recover  
20 damages, and seek any other equitable relief or appropriate remedy  
21 authorized by state or federal law, plus reasonable attorneys' fees  
22 and costs. If the court finds that an employer has violated this  
23 chapter, it shall award damages up to and including an amount equal  
24 to actual damages, or statutory damages equivalent to 80 times the  
25 hourly Washington state minimum wage as defined in RCW 49.46.020 per  
26 plaintiff per violation, whichever is greater.

27 NEW SECTION. **Sec. 11.** This chapter may not be interpreted,  
28 construed, or applied to restrict or limit an employer's compliance  
29 with a memorandum of understanding governing the use of the federal  
30 E-Verify system or with federal law and regulations regarding  
31 employers' verification of workers' authorization.

32 NEW SECTION. **Sec. 12.** If any provision of this chapter or its  
33 application to any person or circumstance is found to be in conflict  
34 with any other federal or state law or otherwise held invalid, the  
35 conflicting or invalid provision is inoperative solely to the extent  
36 of such conflict or holding and the remainder of the chapter or the  
37 application of the provision to other persons or circumstances is not

1 affected. This chapter is not intended to limit or prohibit any  
2 employer from complying with any other state or federal law.

3 NEW SECTION. **Sec. 13.** Nothing in this chapter may be construed  
4 to limit or affect: (1) The right of any worker to pursue any  
5 judicial, administrative, or other action available with respect to  
6 an employer; (2) the department of labor and industries' authority to  
7 pursue any judicial, administrative, or other action available with  
8 respect to a worker; or (3) the department of labor and industries'  
9 authority to pursue any judicial, administrative, or other action  
10 available with respect to an employer.

11 NEW SECTION. **Sec. 14.** This act may be known and cited as the  
12 immigrant worker protection act.

13 NEW SECTION. **Sec. 15.** Sections 1 through 14 of this act  
14 constitute a new chapter in Title 49 RCW.

15 NEW SECTION. **Sec. 16.** Sections 4 through 10 of this act take  
16 effect October 1, 2026.

17 NEW SECTION. **Sec. 17.** If specific funding for the purposes of  
18 this act, referencing this act by bill or chapter number, is not  
19 provided by June 30, 2026, in the omnibus appropriations act, this  
20 act is null and void.

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