
HOUSE BILL 2105

State of Washington

69th Legislature

2026 Regular Session

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

Prefiled 12/08/25. Read first time 01/12/26. Referred to Committee on Labor & Workplace Standards.

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 declaring an emergency.

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 audits. The legislature seeks
20 to provide resources and support to employers about their rights and
21 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 audit and provide additional protections and support for workers and
7 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 presumed to be included in this definition
33 when on duty.

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

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 or a third party designated by
17 the worker.

18 NEW SECTION. **Sec. 3.** (1) By July 1, 2026, all employers must
19 post a notice about worker rights under this act and keep it posted
20 in a conspicuous place where other required employment posters are
21 posted. The attorney general shall create a poster that will include
22 space in which an employer must provide information on where they
23 will post notices required under this act. The attorney general shall
24 make the poster available on its website and may make the poster
25 available in other formats.

26 (2) An employer must, within 72 hours of receiving notification
27 from a federal agency of any inspections of I-9 forms or worker
28 records, provide a notice to each worker and the worker's authorized
29 representative.

30 (3) The employer must provide notice of the upcoming inspection
31 by:

32 (a) Posting a notice in a conspicuous and accessible location, in
33 each of the five most widely used non-English languages in the state.
34 The posted notice must contain the following information:

35 (i) The name of the federal agency which will be conducting the
36 inspections of I-9 forms or other worker records;

37 (ii) The date that the employer received notice of the
38 inspection;

1 (iii) The nature of the inspection to the extent known by the
2 employer;

3 (iv) A copy of the notice of inspection of I-9 forms for the
4 inspection to be conducted; and

5 (v) Contact information, prescribed by the attorney general, for
6 a statewide organization that provides information and advocacy
7 related to immigrant and refugee rights, with access to
8 interpretation;

9 (b) Making a reasonable attempt to individually distribute
10 notifications to all workers by hand and telephonically; and

11 (c) Providing written notice to the workers' authorized
12 representatives, if any.

13 (4) Within 72 hours of receiving notification of any inspections
14 of I-9 forms or other worker records conducted by a federal agency,
15 employers must send written notices to the last known addresses of
16 all workers employed by the employer in the last three years. The
17 written notice must include all the same information required to be
18 included in the posted notice to all current workers, including the
19 name of the federal agency which will be conducting the inspections
20 of I-9 forms or other worker records.

21 (5) On or before July 1, 2026, the attorney general shall develop
22 and provide a template posting that employers may use to comply with
23 the requirement to inform workers of a notice of inspection to be
24 conducted of I-9 forms or other worker records conducted by a federal
25 agency. The posting must be available on the attorney general's
26 website so that it is accessible to any employer. The attorney
27 general shall make the template available in English and in each of
28 the five most commonly used non-English languages in the state.

29 (6) An employer must provide to each current affected worker, and
30 to the worker's authorized representative, if any, a copy of the
31 written notice from the federal agency that provides the results of
32 the inspection of I-9 forms or other worker records within 72 hours
33 of its receipt of the notice, unless a shorter timeline is provided
34 for under federal law or a collective bargaining agreement. Within 72
35 hours of its receipt of this notice, unless a shorter timeline is
36 provided for under federal law or a collective bargaining agreement,
37 the employer must also provide to each affected worker, and to the
38 affected worker's authorized representative, if any, written notice
39 of the obligations of the employer and the affected worker arising
40 from the results of the inspection of I-9 forms or other worker

1 records. The notice must relate to the affected worker only and must
2 be redacted in compliance with state and federal privacy laws. The
3 employer must notify the worker in person and deliver the
4 notification by hand. If hand delivery is not possible, then the
5 employer must notify the worker by mail and email, if the email
6 address of the worker is known, and must notify the worker's
7 authorized representative, if any. The employer must also notify the
8 worker telephonically. The notice must contain the following
9 information:

10 (a) A description of any and all deficiencies or other items
11 identified in the written immigration inspection results notice
12 related to the affected worker;

13 (b) The time period for correcting any potential deficiencies
14 identified by the federal agency;

15 (c) The time and date of any meeting with the employer to correct
16 any identified deficiencies; and

17 (d) Notice that the worker has the right to representation during
18 any meeting scheduled with the employer.

19 NEW SECTION. **Sec. 4.** 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. An employer shall not impose work
27 authorization verification or reverification requirements greater
28 than those required by federal law.

29 NEW SECTION. **Sec. 5.** On or before July 1, 2026, the attorney
30 general shall issue guidance clarifying employers' rights to restrict
31 access to nonpublic areas in a place of labor. The guidance shall be
32 available on the attorney general's website so that it is accessible
33 to any employer. The attorney general shall make the guidance
34 available in English and in each of the five most commonly used non-
35 English languages in the state.

36 NEW SECTION. **Sec. 6.** (1) Except as otherwise required by
37 federal law, and except as provided in subsection (2) of this

1 section, an employer, or a person acting on behalf of the employer,
2 may not provide voluntary consent to federal agencies to access,
3 review, or obtain the employer's worker records without a subpoena or
4 judicial warrant. This section does not prohibit an employer, or
5 person acting on behalf of an employer, from challenging the validity
6 of a subpoena or judicial warrant in a federal district court.

7 (2) This section does not apply to I-9 forms and other documents
8 for which a notice of inspection has been provided to the employer.

9 NEW SECTION. **Sec. 7.** (1) It is unlawful for an employer to
10 interfere with, restrain, or deny the exercise of any worker's rights
11 provided under or in connection with this chapter. This means an
12 employer may not use a worker's exercise of any of the rights
13 provided under this chapter as a negative factor in any employment
14 action such as evaluation, promotion, or termination, or otherwise
15 subject a worker to discipline for the exercise of any rights
16 provided under this chapter.

17 (2) It is unlawful for an employer to take any adverse action
18 against a worker because the worker has exercised their rights
19 provided under this chapter. Such rights include, but are not limited
20 to: Filing a complaint or action, or instituting or causing to be
21 instituted any proceeding under or related to this chapter;
22 participating in any investigation or proceeding regarding any rights
23 provided under this chapter; or testifying or intending to testify in
24 any such proceeding related to any rights provided under this
25 chapter.

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

29 (a) Denying access to, or delaying payment for, minimum wages,
30 agreed or obligated wages, overtime wages, paid sick leave, piece
31 rate compensation, commissions, nondiscretionary compensation or
32 bonuses, all tips and gratuities, and all service charges, except
33 those service charges itemized as not being payable to the employee
34 or employees servicing the customer;

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

36 (c) Reducing the number of work hours for which the employee is
37 scheduled;

38 (d) Altering the employee's preexisting work schedule;

39 (e) Reducing the employee's rate of pay; or

1 (f) Threatening to take, or taking action, based upon the
2 immigration status of an employee or an employee's family member.

3 NEW SECTION. **Sec. 8.** (1) The attorney general may investigate
4 complaints and enforce sections 3 through 7 of this act, including by
5 conference and conciliation. The attorney general may: (a)
6 Investigate potential violations of this act on its own initiative or
7 in response to complaints; and (b) issue written civil investigative
8 demands for documents and oral testimony, and answers to written
9 interrogatories. Any personal information about the worker or the
10 worker's family members, including names, in a complaint or
11 investigation is confidential and exempt from public inspection,
12 copying, or disclosure under chapter 42.56 RCW.

13 (2) An employer who violates any provision of sections 3 through
14 7 of this act is subject to penalties, recoverable by the attorney
15 general, for civil enforcement expenses.

16 (a) (i) The minimum base penalty to the attorney general for a
17 first violation of any provision of sections 3 through 7 of this act
18 is \$2,000 times the number of Washington-based workers the employer
19 employs at the time of the violation. Each Washington-based worker
20 counts as one worker for the purposes of determining the penalty
21 multiplier, regardless of whether that worker works full time or part
22 time.

23 (ii) If the attorney general determines that the first violation
24 of a provision of sections 3 through 7 of this act was a willful
25 violation, the penalty to the attorney general's civil enforcement
26 expenses increases to \$5,000 times the number of Washington-based
27 workers the employer employs at the time of the violation.

28 (b) On a second or subsequent violation of a provision of
29 sections 3 through 7 of this act, the base penalty to the attorney
30 general's civil enforcement expenses is double the penalty assessed
31 for the previous violation, or \$10,000 times the number of
32 Washington-based workers the employer employs at the time of the
33 violation, whichever is higher.

34 (3) The attorney general may pursue legal action to enjoin
35 violations of this act, obtain the penalty outlined in this section,
36 and seek any other appropriate relief at law or equity including
37 actual damages and any reasonable costs and attorneys' fees.

1 (4) In addition to enforcement conducted by the attorney general,
2 a worker, former worker, or a person otherwise believed to be injured
3 by a violation of any provision of sections 3 through 7 of this act
4 or an organization whose membership includes any such person may
5 enforce this act through a private cause of action in superior court
6 to enjoin further violations and recover actual damages together with
7 reasonable attorneys' fees and costs and any other equitable relief
8 or appropriate remedy authorized by state or federal law. If the
9 court finds that the respondent has violated this chapter, it shall
10 award damages up to and including an amount equal to actual damages,
11 or statutory damages equivalent to 80 times the hourly Washington
12 state minimum wage as defined in RCW 49.46.020, per plaintiff per
13 violation, whichever is greater.

14 NEW SECTION. **Sec. 9.** In accordance with state and federal law,
15 nothing in this chapter may be interpreted, construed, or applied to
16 restrict or limit an employer's compliance with a memorandum of
17 understanding governing the use of the federal E-Verify system or
18 with federal law and regulations regarding employers' verification of
19 worker's employment authorization.

20 NEW SECTION. **Sec. 10.** If any provision of this act or its
21 application to any person or circumstance is found to be in conflict
22 with any other federal or state law or otherwise held invalid, the
23 conflicting or invalid provision is inoperative solely to the extent
24 of such conflict or holding and the remainder of the act or the
25 application of the provision to other persons or circumstances is not
26 affected. No section of this act is intended to limit or prohibit any
27 employer from complying with any other state or federal law.

28 NEW SECTION. **Sec. 11.** Nothing in this chapter may be construed
29 to limit or affect: (1) The right of any worker to pursue any
30 judicial, administrative, or other action available with respect to
31 an employer; (2) the department of labor and industries' authority to
32 pursue any judicial, administrative, or other action available with
33 respect to a worker; or (3) the department of labor and industries'
34 authority to pursue any judicial, administrative, or other action
35 available with respect to an employer.

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

3 NEW SECTION. **Sec. 13.** Sections 1 through 11 of this act
4 constitute a new chapter in Title 49 RCW.

5 NEW SECTION. **Sec. 14.** This act is necessary for the immediate
6 preservation of the public peace, health, or safety, or support of
7 the state government and its existing public institutions, and takes
8 effect immediately.

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