

CERTIFICATION OF ENROLLMENT
SECOND SUBSTITUTE HOUSE BILL 2105

69th Legislature
2026 Regular Session

Passed by the House March 11, 2026
Yeas 58 Nays 38

**Speaker of the House of
Representatives**

Passed by the Senate March 5, 2026
Yeas 27 Nays 21

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE HOUSE BILL 2105** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SECOND SUBSTITUTE HOUSE BILL 2105

AS AMENDED BY THE SENATE

Passed Legislature - 2026 Regular Session

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 five business days 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 five business days of its
22 receipt of a written notice of results of an inspection of I-9 forms
23 and any related worker records by a federal agency, an employer
24 shall:

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

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

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

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

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

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

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

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

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

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

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

30 (2) An employer may not impose work authorization verification or
31 reverification requirements greater than those required by federal
32 law.

33 NEW SECTION. **Sec. 8.** (1) It is unlawful for an employer to
34 interfere with, restrain, or deny the exercise of any worker's rights
35 provided under or in connection with this chapter. This means an
36 employer may not use a worker's exercise of any of the rights
37 provided under this chapter as a negative factor in any employment
38 action such as evaluation, promotion, or termination, or otherwise

1 subject a worker to discipline for the exercise of any rights
2 provided under this chapter, except that an employer is not
3 prohibited from taking actions required by state or federal law.

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

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

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

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

23 (c) Reducing the number of work hours for which the worker is
24 scheduled;

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

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

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

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

31 (a) Resolve alleged violations of this chapter through conference
32 and conciliation;

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

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

37 (2) Any personal information about a worker or a worker's family
38 member, including names, in a complaint or investigation is

1 confidential and exempt from public inspection, copying, or
2 disclosure under chapter 42.56 RCW.

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

7 (a) For each violation of a notice requirement in section 5 or 6
8 of this act, the court shall order the employer to pay statutory
9 damages to the attorney general in the amount of \$500 for each
10 instance where the employer failed to provide a notice satisfying the
11 requirements of section 5 or 6 of this act to a worker. The court
12 shall double the statutory damages if it finds that the violation was
13 willful.

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

18 NEW SECTION. **Sec. 10.** (1) A worker, former worker, or a person
19 injured by a violation of this chapter or an organization whose
20 membership includes any such person may bring a private cause of
21 action in superior court to enjoin further violations, recover
22 damages, and seek any other equitable relief or appropriate remedy
23 authorized by state or federal law, plus reasonable attorneys' fees
24 and costs. If the court finds that an employer has violated this
25 chapter, it shall award damages up to and including an amount equal
26 to actual damages, or statutory damages equivalent to 40 times the
27 hourly Washington state minimum wage as defined in RCW 49.46.020 per
28 plaintiff per violation, whichever is greater.

29 (2) In determining the amount of statutory damages to award under
30 this section, the court shall consider all relevant factors
31 including, but not limited to:

32 (a) Whether the violation was committed willfully, knowingly, or
33 intentionally, or whether the violation was inadvertent;

34 (b) Whether the employer made prompt and good faith efforts to
35 correct the violation after learning of it;

36 (c) Whether the violation resulted in actual harm to the
37 plaintiff;

38 (d) Whether the violation is a repeat violation;

39 (e) The size of the employer;

- 1 (f) The amount necessary to deter future noncompliance;
- 2 (g) The purposes of this chapter; and
- 3 (h) Any other factor deemed appropriate by the court.

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

9 NEW SECTION. **Sec. 12.** If any provision of this chapter or its
10 application to any person or circumstance is found to be in conflict
11 with any other federal or state law or otherwise held invalid, the
12 conflicting or invalid provision is inoperative solely to the extent
13 of such conflict or holding and the remainder of the chapter or the
14 application of the provision to other persons or circumstances is not
15 affected. This chapter is not intended to limit or prohibit any
16 employer from complying with any other state or federal law.

17 NEW SECTION. **Sec. 13.** Nothing in this chapter may be construed
18 to limit or affect: (1) The right of any worker to pursue any
19 judicial, administrative, or other action available with respect to
20 an employer; (2) the department of labor and industries' authority to
21 pursue any judicial, administrative, or other action available with
22 respect to a worker; or (3) the department of labor and industries'
23 authority to pursue any judicial, administrative, or other action
24 available with respect to an employer.

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

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

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

31 NEW SECTION. **Sec. 17.** If specific funding for the purposes of
32 this act, referencing this act by bill or chapter number, is not

1 provided by June 30, 2026, in the omnibus appropriations act, this
2 act is null and void.

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