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**SENATE BILL 5852**

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**State of Washington**

**69th Legislature**

**2026 Regular Session**

**By** Senators Saldaña, Shewmake, Conway, Wellman, Stanford, Hasegawa, Kauffman, C. Wilson, Hunt, Valdez, Slatter, Cortes, Lovick, Lovelett, Alvarado, Chapman, Pedersen, Orwall, Nobles, Cleveland, Robinson, Trudeau, Bateman, Dhingra, Frame, Riccelli, and Salomon; by request of Attorney General

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

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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