

Date of Hearing: April 8, 2026

ASSEMBLY COMMITTEE ON LABOR AND EMPLOYMENT

Liz Ortega, Chair

AB 2495 (Kalra) – As Introduced February 20, 2026

**SUBJECT:** Unlawful immigration-related practices

**SUMMARY:** Expands the prohibition on an employer retaliating against an employee by engaging in or directing another to engage in an unfair immigration-related practice by 1) additionally prohibiting an employer from engaging in an unfair immigration related practice for the purpose of preventing a person from exercising any right protected under certain laws; and 2) broadening the definition of “unfair immigration-related practice.” Specifically, **this bill:**

- 1) Expands the prohibition on an employer or any other person engaging in, or directing another person to engage in, an unfair immigration-related practice against a person for the purpose of, or with the intent of, retaliating against any person for exercising a right protected under state and local laws, as specified, to additionally prohibit doing so for the purpose of, or with the intent of, *preventing* a person from exercising any right protected under those laws or ordinances.
- 2) Expands the definition of “unfair immigration-related practice” to additionally include engaging in any other conduct, related to any person’s real or perceived immigration status, that would dissuade a reasonable person from engaging in conduct that the person has a legal right to engage in under any local, state, or federal statute or regulation, or to induce a reasonable person to engage in conduct that the person has a legal right to abstain from under any local, state, or federal statute or regulation.
- 3) Provides that an employer is liable for a civil penalty not exceeding \$10,000 per employee for each violation to be awarded to the employee or employees who suffered the violation.
- 4) Make related findings and declarations.

**EXISTING FEDERAL LAW:**

- 1) Requires an employer to verify, through examination of specified documents, whether or not an individual is authorized to work in the United States and attest thereto under penalty of perjury by completing *Form I-9 Employment Eligibility Verification*; specifies that if the document is presented and reasonably appears on its face to be genuine, then the employer has complied with this requirement and is not required to solicit or demand any other document. The worker must also attest, under penalty of perjury, that they are legally authorized to work in the United States. 8 U.S.C. § 1324a(b).
- 2) Makes it an unfair immigration-related employment practice for any person or entity to do any of the following: (a) discriminate against any individual, except as provided, with respect to the hiring, recruitment, or referral of the individual for employment or the discharging of the individual from employment; or (b) request, with the intent of discriminating against an individual, more or different documents than are required under law or refuse to honor documents tendered which, on their face, reasonably appear to be genuine. 8 U.S.C. § 1324b(a)(1)-(6).

**EXISTING STATE LAW:**

- 1) Establishes the Division of Labor Standards Enforcement, under the direction of the Labor Commissioner (LC), within the Department of Industrial Relations, and authorizes the LC to investigate employee complaints and enforce labor laws, as specified. Labor Code § 79 et seq.
- 2) Prohibits an employer or any other person from engaging in, or directing another person to engage in, an unfair immigration-related practice against a person for the purpose of, or with the intent of, retaliating against any person for exercising a right protected under state labor and employment laws or under a local ordinance applicable to employees, as specified. Labor Code § 1019(a).
- 3) Defines unfair immigration-related practice to include:
  - a) Requesting more or different documents than are required under federal law, or a refusal to honor documents tendered pursuant to that section that on their face reasonably appear to be genuine.
  - b) Using the federal E-Verify system to check the employment authorization status of a person at a time or in a manner not required under federal law, or not authorized under any memorandum of understanding governing the use of the federal E-Verify system.
  - c) Threatening to file or the filing of a false police report, or a false report or complaint with any state or federal agency.
  - d) Threatening to contact or contacting immigration authorities. Labor Code § 1019(b).
- 4) Authorizes an employee or any other person who is subject to an unfair immigration-related practice, where the unfair practice is retaliatory in nature, to bring a civil action for equitable relief and any applicable damages or penalties and specifies that an employee or other person who prevails shall recover his or her reasonable attorney's fees. Labor Code § 1019(d)(1).
- 5) Prohibits an employer, in the course of satisfying federal immigration law, from requesting more or different documents than are required under federal immigration law; refusing to honor valid documents, as specified; or attempting to reinvestigate or re-verify an incumbent employee's authorization to work using an unfair immigration-related practice. Provides for a penalty imposed by the LC and liability for equitable relief. Labor Code § 1019.1.
- 6) Prohibits, except as otherwise required by federal law, a public or private employer, or a person acting on behalf of a public or private employer, from reverifying the employment eligibility of a current employee at a time or in a manner not required by federal law (see (1) above in existing federal law). An employer who violates this provision is subject to a civil penalty up to \$10,000, recoverable by the LC, except as specified. Labor Code § 1019.2.
- 7) Provides that all protections, rights, and remedies available under state law, except any reinstatement remedy prohibited by federal law, are available to all individuals regardless of immigration status who have applied for employment, or who are or who have been employed, in this state. Labor Code § 1171.5(a).

- 8) Defines extortion as the obtaining of property or other consideration from another, with his or her consent, or the obtaining of an official act of a public officer, induced by a wrongful use of force or fear, or under color of official right. Provides that fear, such as will constitute extortion, may be induced by, among other things, threatening to report a person's immigration status or suspected immigration status. Penal Code § 518-519.

**FISCAL EFFECT:** None

**COMMENTS:** Note: this bill is double referred to the Assembly Judiciary Committee upon passage out of this Committee.

Studies have repeatedly shown that immigrant workers are far less likely than other workers to report workplace issues, due to fear of deportation and retaliation, language barriers, and lack of awareness regarding their rights. In many cases, immigrant workers do not report abuses because their employers actively threaten to report them to the authorities. This results in the loss of essential rights, including minimum wage, overtime pay, meal and rest breaks, workplace safety, and more. Amidst the Trump Administration's focus on immigration enforcement, there is concern that this problem has only been exacerbated.

California labor laws protect workers regardless of immigration status. Workers who file claims or complaints, or exercise other rights under California labor laws are not required to disclose their immigration status to the Department of Industrial Relations or its entities, nor do those entities inquire about immigration status. The only limits to this are those established under federal law.

Furthermore, California law prohibits employers from retaliating against employees by using unfair immigration-related practices, including threatening to report a person to immigration authorities. However, current law offers explicit retaliation protections only after a worker engages in protected activities, leaving a gap that allows employers to use threats to deter workers from acting.

Given that retaliation laws are intended to protect workers' ability to assert their workplace rights, the author argues that the prohibition on retaliation using unfair immigration-related practices should also extend to behavior that prevents workers from exercising their rights in the first place.

According to the author, "AB 2495 amends existing labor protections to make it explicit that all immigration-related threats are unlawful. California must make it clear — employers cannot create a climate of fear with immigration-related threats to prevent workers from reporting violations of workplace rights."

The author adds that the bill promotes equity solutions, per H.R. 39 (Gipson, 2021), in that "protecting vulnerable workers from coercion can make all workplaces safer as workers can feel empowered to come forward when facing the loss of essential rights, including minimum wage, overtime pay, rest breaks, workplace safety, and protection from harassment."

### **Arguments in Support**

A coalition of worker and labor organizations, including the California Federation of Labor Unions, state in support that "immigrant workers are uniquely vulnerable to workplace

exploitation given employers can weaponize workers' immigration status to violate their rights. The current national climate has emboldened bad-faith employers to increasingly coerce immigrant workers into never asserting their rights by making veiled threats, chilling statements, or implicit warnings about immigration consequences. When coercion succeeds, unlawful conduct goes unreported, workplace standards erode, and law-abiding employers are undercut.”

### **Arguments in Opposition**

None on file.

### **Prior and Related Legislation**

SB 294 (Reyes), Chapter 667, Statutes of 2025, (1) requires employers to provide a stand-alone written notice annually to each employee informing them of their rights under state and federal law, as specified; (2) directs the LC to develop a template notice, as well as videos for employers and employees informing them of their responsibilities and rights, as specified; (3) requires employers, if authorized by an employee, to contact an employee's designated emergency contact if the employee is arrested or detained, as specified; and (4) authorizes various penalties for noncompliant employers.

AB 1136 (Ortega) of 2025 would have provided, until July 1, 2029, job protections to workers who are detained or need to take time off from work to resolve immigration-related matters, including requiring employers to reinstate the employee to their former job classification without loss of seniority upon their return, as specified. Vetoed by Governor Newsom.

### **REGISTERED SUPPORT / OPPOSITION:**

#### **Support**

Asian Law Caucus  
California Coalition for Worker Power  
California Domestic Workers Coalition  
California Federation of Labor Unions  
California Federation of Teachers  
California Immigrant Policy Center  
California Latinas for Reproductive Justice  
California Partnership to End Domestic Violence  
California Rural Legal Assistance Foundation  
California Teachers Association  
California Work & Family Coalition  
Californians for Safety and Justice  
Church State Council  
Community Legal Services in East Palo Alto  
Consumer Attorneys of California  
Courage California  
End Child Poverty CA  
Friends Committee on Legislation of California  
Loyola Law School, the Sunita Jain Anti-trafficking Initiative  
National Council of Jewish Women  
National Council of Jewish Women-California

Pilipino Workers Center of Southern California  
Santa Clara County Wage Theft Coalition  
Street Level Health Project  
Wage Justice Center  
Western Center on Law & Poverty  
Women's Foundation California

**Opposition**

None on File.

**Analysis Prepared by:** Erin Hickey / L. & E. /