Date of Hearing: April 28, 2026

ASSEMBLY COMMITTEE ON JUDICIARY
Ash Kalra, Chair
AB 2495 Kalra – As Amended April 20, 2026

**SUBJECT**: UNLAWFUL IMMIGRATION-RELATED PRACTICES

**KEY ISSUE**: SHOULD THE EXISTING LAW THAT PROHIBITS AN EMPLOYER FROM MAKING IMMIGRATION-RELATED THREATS FOR THE PURPOSE OF RETALIATING AGAINST AN EMPLOYEE WHO HAS EXERCISED STATUTORY RIGHTS BE EXTENDED, TO PROHIBIT AN EMPLOYER FROM MAKING SUCH THREATS TO PREVENT OR DISSUADE THE EMPLOYEE FROM EXERCISING THOSE RIGHTS?

## SYNOPSIS

*Existing law prohibits an employer from engaging in "unfair immigration-related practices" as a means of retaliating against an employee for reporting working place violations or exercising any other right guaranteed by the Labor Code or local ordinance, including to report workplace violations. Current law defines "unfair immigration-related practices" to include such things as threatening to report someone to immigration authorities, demanding more documents than are required by federal law, or making a false police report. However, existing law only operates* after *the employee has exercised the right and the employer engages in the unfair immigration-related practice as a form of retaliation.*

*This bill would logically extend the prohibition, so it applies to employer threats designed to prevent or dissuade an employee from ever reporting a violation or exercising any other right. If it is state policy that an employer should not threaten a worker after they have made a report or exercised a right, it follows that the employer should not make the threat in advance in order to prevent the worker from making a report or exercising a right. Indeed, an unscrupulous employer has more interest in using threats to prevent an employee from reporting a workplace violation before it occurs, rather than in retaliating against someone after it has been disclosed.*

*This bill is co-sponsored by AAPI for Civic Empowerment, California Employment Lawyers Association, Equal Right Advocate, the Coalition of Human Immigrant Rights, and Legal Aid at Work. It is supported by several other labor, immigrant rights, and social justice groups. There is no registered opposition to this bill as a logical extension of existing law. The bill recently passed out of the Assembly Labor and Employment Committee on a 5-1 vote, with one member not voting.*

**SUMMARY**: Expands the prohibition on an employer engaging in an unfair immigration related practice for the purpose of retaliating against an employee for exercising certain statutory rights to additionally prohibit an employer from engaging in an unfair immigration related practice for the purpose of preventing a person from exercising those rights. Specifically, **this bill**:

1) Makes findings and declarations relating to California's long-standing policy of permitting workers to report Labor Code violations and protecting them from retaliation when they do so. Further finds and declares that some unscrupulous employers have used immigration-related threats to dissuade employees from making reports, and that the intent of this bill is to

affirm and strengthen the policy of protecting workers' rights to assert workplace rights free from intimidation, threats, or retaliation.

2) Expands the prohibition on an employer retaliating against an employee by engaging in, or directing another to engage in, an unfair immigration-related practice so that it also prohibits an employer from engaging in an unfair immigration related practice for the purpose of preventing or dissuading a person from exercising any right protected under certain laws.

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.

**EXISTING 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. Specifies that if the documents are presented and reasonably appear 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. Section 1324a(b).)

2) Prohibits an employer from discharging or in any manner discriminating, retaliating, or taking any adverse action against an employee because the employee engaged lawful conduct during nonworking hours away from the employer's premises, or because the employee has filed a bona fide complaint or claim, or instituted any proceeding authorized under the Labor Code, or has testified or is about to testify in a legal proceeding. (Labor Code Section 98.6.)

3) Permits, pursuant to the Private Attorneys General Act (PAGA), an employee to bring an action alleging a workplace violation on behalf of the employee and all other employees aggrieved by the violation. (Labor Code Section 2699.)

4) Prohibits an employer from adopting any rule or policy that prevents an employee from disclosing information to a government or law enforcement agency, among others, if the employee has reasonable cause to believe that the information discloses a violation of a law or regulation, regardless of whether disclosing the information is part of the employee's job duties, and it prohibits an employer from retaliating against an employee for disclosing such information. (Labor Code Section 1102.5.)

5) Makes it unlawful for an employer or any other person to engage in, or direct another to engage in, an unfair immigration-related practice, as defined, for the purpose or 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, including by reporting a workplace violation. (Labor Code Section 1019 (a).)

6) Defines "unfair immigration-related practice" for purposes of 5) above to mean any of the following practices when undertaken for retaliatory purposes:

    a) Requesting more or different documents than are required under federal law, or a refusal to honor documents 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 otherwise authorized.

c) Threatening to file, or filing, 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 Section 1019 (b), 1019.1.)

7) Provides that engaging in an unfair immigration-related practice against a person within 90 days of that person exercising a protected right creates a rebuttable presumption of having done so for the purposes of retaliation for the exercise of those rights. (Labor Code Section 1019 (c).)

8) Authorizes an employee or any other person who is subject to a retaliatory immigration-related practice to bring a civil action for equitable relief, damages or penalties, and attorney's fees and cost. (Labor Code Section 1019 (d).)

9) 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. Specifies that an employer who violates this provision is subject to a civil penalty up to $10,000, as specified. (Labor Code Section 1019.2. Enjoined by a federal court.)

10) 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 Section 1171.5 (a).)

**FISCAL EFFECT**: As currently in print this bill is keyed non-fiscal.

**COMMENTS**: According to the author:

> Current law offers protections against immigration-related threats after a worker engages in protected activities but does not explicitly prohibit employers from using threats to deter workers from exercising their rights in the first place. Additionally, there are no worker protections comparable to Penal Code § 519, which criminalizes extortion based on coercive threats, such as threats to deport or "call ICE".
>
> 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.

***Protecting employees who disclose workplace violations and other unlawful acts.*** Because the California Labor Commissioner has limited resources to monitor all workplaces in the state for compliance with state labor laws, existing laws contain multiple provisions that allow employees to report workplace violations, or other unlawful practices, without fear of retaliation. Labor Code Section 1102.5 *et seq.* – known as the employee "whistleblower" statute – prevents an employer from adopting any policy that prevents an employee from

disclosing a violation of the law, or from taking any retaliatory action against an employee who makes a disclosure. Labor Code Section 2699 – the Private Attorneys General Act (PAGA) – permits an employee, free from the threat of retaliation, to bring an action alleging a workplace violation, on behalf of all aggrieved employees. Labor Code Section 98.6 prohibits an employer from taking an adverse action against an employee because the employee filed a bona fide complaint or instituted any action authorized under the Labor Code. As noted in the findings and declarations of this bill, it is long-standing policy in California to permit workers to report violations of the law and protect those workers from retaliation when they do so.

AB 263 (Chap. 732, Stats. 2013) extended this anti-retaliation principle by making it unlawful for an employer to engage in an "unfair immigration-related practice" against a person for the purpose of retaliating against that person for exercising any right protected under state or local labor codes, including the right to disclose information about workplace violations or other unlawful activity to the appropriate authority. AB 263 defined "unfair immigration-related practice" to include (1) requesting more or different documents than are required by law, or refusing to honor documents that on their face seem authentic; (2) using the federal E-Verify system to check the employment authorization status of a person at a time or in a manner not required or authorized by federal law; (3) threatening to file or filing a false police report; and (4) threatening to contact or contacting immigration authorities. AB 2751 (Chap. 79, Stats. 2014) added a $10,000 penalty to be awarded to the employee or employees who suffered the violation. AB 450 (Chap. 492, Stats. 2017) amended this provision to prohibit an employer, except as required by federal law, to re-verify a current employee in a manner not required by federal law. (This specific part of AB 450 was enjoined by a federal district court, and the order was affirmed by the U.S. 9th Circuit Court of Appeal in *U.S. v California* (2019) 921 F.3d 865.)

***This bill*** logically extends the prohibition on using unfair immigration-related practices to retaliate against an employee *after* the employee has exercised a right to disclose wrongdoing so that it will also apply to immigration-related threats designed to prevent or dissuade an employee from ever reporting a violation or exercising a right in the first place. If it is state policy that an employer should not report, or threaten to report, an employee to immigration authorities *after* the employee has exercised that right, it follows that the employer should not threaten to report if the purpose is to *prevent* the worker from reporting workplace violations or other wrongdoing.

***The increasing vulnerability of immigrant workers***. Protection of immigrant workers is more vital now than it was in 2013 when the Legislature first prohibited unfair immigration-related practices, and also more vital than it was when the Legislature enacted AB 450, which imposed penalties on employers who required re-verification of current employees. AB 450 was enacted in large part in response to the 2016 election of Donald Trump, to his first term as President. Since the start of President Trump's second term in 2025, the position of immigrant workers has become even more vulnerable and precarious. According to the Baker Institute of Public Policy at Rice University, in the first six months of Trump's second term, 1.2 million immigrants left the U.S. workforce. This not only disrupted the lives of immigrant families, the Baker Institute found that Trump's harsh rhetoric and policies also negatively affected the U.S. labor market, creating labor shortages in key sectors of the economy. (*See* "The Long-Term Impact of Trump's Immigration Policies," available at https://www.bakerinstitute.org.) In addition, the Trump administration has

drastically cut federal funds for immigrant legal services, which makes employer threats to report an employee to immigration authorities all the more intimidating and impactful. As such, this will likely make many workers – even if they are documented, or even if they are citizens with the wrong last name – more likely to endure rather than report dangerous or exploitive working conditions, thus posing a threat to all workers, regardless of their immigration status.

***ARGUMENTS IN SUPPORT**:* The co-sponsors of this bill – Californias Employment Lawyers Association, Legal Aid at Work, Coalition for Humane Immigrant Rights, AAPIs for Civic Empowerment, and Equal Rights Advocates – write in support:

> AB 2495 prohibits employers from threatening workers through unfair immigration-related practices and makes clear that our existing immigrant worker protection laws protect workers from coercive conduct that induces silence, inaction, or compliance around workplace violations.
>
> 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.
>
> Current law prohibits employers from retaliating against workers who have asserted their workplace rights. However, the existing definition of "unfair immigration related practices" does not fully capture the range of employer conduct that interferes with workers' ability to assert their workplace rights or that undermines effective enforcement of labor standards. Notably, current law does not adequately address employer conduct that exploits workers' precarious immigration status to dissuade them from making complaints about their employment conditions in the first place. Any employer actions that chill or deter the future exercise of workplace rights weaken enforcement of those rights and should fall squarely within the scope of "unfair immigration related practices."
>
> AB 2495 will address employer actions that chill workers' exercise of their rights by ensuring that such conduct falls within legal protections against unfair immigration related practices. The bill does so by expressly including within the definition of "unfair immigration related practices" conduct that would dissuade a reasonable worker from exercising workplace rights or induce that worker to engage in conduct the worker has a legal right to decline. In this way, AB 2495 makes clear that creating a coercive work environment based on a worker's immigration status—designed to silence or intimidate workers—is prohibited under California law.
>
> California must make it clear: employers cannot create a climate of fear with immigration-related coercion to prevent workers from reporting violations of workplace rights. Existing laws requiring minimum wage, overtime pay, rest breaks, worksite safety, and workplaces free from harassment and discrimination are meaningless if employers can use coercion to ensure workers never come forward.

**REGISTERED SUPPORT / OPPOSITION**:

**Support**

AAPIs for Civic Empowerment (co-sponsor)
California Employment Lawyers Association (co-sponsor)
Equal Rights Advocates (co-sponsor)
The Coalition for Humane Immigrant Rights (co-sponsor)
Legal Aid at Work (co-sponsor)
AAPI Force
Asian Law Caucus
California Coalition for Worker Power
California Domestic Workers Coalition
California Federation of Labor Unions
California Immigrant Policy Center
California Latinas for Reproductive Justice
California National Organization for Women
California Partnership to End Domestic Violence
California Rural Legal Assistance Foundation
California Teachers Association
California Work & Family Coalition
Californians for Safety and Justice
CFT – a Union of Educators & Classified Professionals
Child Care Law Center
Chinese for Affirmative Action
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 CA
Parent Voices California
Pilipino Workers Center of Southern California
Santa Clara County Wage Theft Coalition
Street Level Health Project
Sunita Jain Anti-trafficking Initiative
Wage Justice Center
Western Center on Law & Poverty
Women's Foundation California

**Opposition**

None on file

**Analysis Prepared by**: Tom Clark / JUD. / (916) 319-2334