SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

AB 2495 (Kalra)
Version: June 16, 2026
Hearing Date: June 30, 2026
Fiscal: No
Urgency: No
ID

SUBJECT

Unlawful immigration-related practices

DIGEST

This bill makes it unlawful for an employer or any other person to engage in any conduct, related to any person's perceived immigration status, that would reasonably tend to dissuade an employee from engaging in conduct that the employee has a legal right to engage in, or induce an employee to engage in conduct that they have a legal right to abstain from, as specified.

EXECUTIVE SUMMARY

Immigrants are essential to California's workforce. However, because of their immigration status, immigrant workers are often particularly vulnerable to mistreatment by their employers. Moreover, fears of immigration enforcement or retaliation have increased considerably for immigrant workers in the past year and a half with the dramatic increase in immigration enforcement by the federal government. While state law provides immigrant workers protections from retaliation for exercising their rights, these protections do not cover all of the ways in which employers intimidate or coerce immigrant workers into not exercising their rights. AB 2495 aims to provide such workers greater protections from this intimidation or coercion by expanding existing protections and making it unlawful to engage in conduct related to a person's perceived immigration status that would reasonably tend to dissuade an employee from engaging in conduct that they have a legal right to engage in, or induce an employee to engage in conduct that they have a legal right to abstain from.

AB 2495 is sponsored by AAPIs for Civic Empowerment, California Employment Lawyers Association, Equal Rights Advocates, the Coalition for Humane Immigrant Rights, and Legal Aid at Work, and is supported by numerous other organizations. The Committee has received no timely letters of opposition. AB 2495 previously passed the Senate Labor, Public Employment and Retirement Committee by a vote of 4 to 1.

PROPOSED CHANGES TO THE LAW

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. 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, and prohibits discrimination and retaliation against a worker regarding hiring, recruitment, or referral for a fee because of the individual's national origin or, for certain immigrants, their immigration status. (8 U.S.C. Section 1324a(b).)

Existing state law:

1) Prohibits an employer from discharging or in any manner discriminating, retaliating, or taking any adverse action against an employee because the employee engaged in lawful conduct during nonworking hours away from the employer's premises, or because the employee has filed a bona fide complaint or claim, instituted any proceeding authorized under the Labor Code, or has testified or is about to testify in a legal proceeding. Makes an employer who violates these provisions liable for a civil penalty of not more than $10,000 per employee for each violation, to be awarded to the employee or employees who suffered the violation. (Lab. Code § 98.6.)

2) Permits, pursuant to the Private Attorneys General Act (PAGA), an employee to bring a civil action alleging a workplace violation on behalf of the employee and all other employees aggrieved by the violation, and specifies that the employee shall be permitted to bring such action free of the threat of retaliation. (Lab. Code § 2699.)

3) 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 prohibits an employer from retaliating against an employee for disclosing such information. (Lab. Code § 1102.5.)

4) 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 the 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. (Lab. Code § 1019 (a).)

5) Defines "unfair immigration-related practice" for purposes of (4), 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 refusing 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 under federal law;
   c) threatening to file, or filing, a false police report, or a false report or complaint with any state or federal agency; and
   d) threatening to contact or contacting immigration authorities. (Lab. Code § 1019 (b).)

6) 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. (Lab. Code § 1019 (c).)

7) 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 costs. (Lab. Code § 1019 (d).)

8) 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. (Lab. Code § 1171.5 (a).)

This bill:

1) Makes various findings and declarations regarding employees' rights to report labor law and other violations, the state's longstanding policy of permitting workers to report labor law violations and protecting their right to do so, and retaliation and intimidation by employers.

2) Specifies that the prohibition against engaging in unfair immigration-related practices described in (4), above, includes such acts for the purpose, or with the intent of, retaliating against a person for attempting to exercise a specified right.

3) Expands the prohibition against engaging in unfair immigration-related practices against any person for the purpose of, or with the intent of, retaliating against any person, as described in (4), above, to include retaliation for any person exercising or attempting to exercise any right protected under any local, state, or federal statute or regulation applicable to employees.

4) Makes it unlawful for an employer or any other person to engage in any other conduct, related to any person's perceived immigration status, that would reasonably tend to dissuade an employee from engaging in conduct that the employee has a legal right to engage in under any local, state, or federal statute or regulation applicable to employees, or to induce an employee to engage in conduct that the employee has a legal right to abstain from engaging in under any local, state, or federal statute or regulation applicable to employees.

5) Specifies that actual immigration status is irrelevant to the determination of liability under Labor Code section 1019, consistent with Labor Code section 1171.5.

6) Specifies that, in addition to other remedies available, an employer or other person who violates Labor Code section 1019 is liable for a civil penalty of no more than $10,000 per employee or person for each violation, to be awarded to the employee or person who suffered the violation.

7) Specifies that the protections, prohibitions, and remedies provided in Labor Code section 1019 are in addition to, and do not diminish, any other protections, prohibitions, or remedies provided under any other local, state, or federal law.

COMMENTS

1. Author's statement

In support of this measure, the author states:

> 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.

2. Immigrant workers in California are particularly vulnerable to coercion by their employer

California is home to about 10.9 million immigrants, accounting for 22% of the foreign-born population nationwide.[1] In 2023, 27% of the state's population was foreign born, the highest of any state. Immigrants are essential to California's workforce, and make up a third of the state's workers.[2]

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[1] Marisol Cuellar Mejia et al., Fact Sheet: Immigrants in California, Public Policy Institute of California (Jan. 2026), available at https://www.ppic.org/publication/immigrants-in-california/.
[2] Monica Davalos, "Over half of all California workers are immigrants or children of immigrants," (Apr. 2024) https://calbudgetcenter.org/resources/over-half-of-all-california-workers-are-immigrants-or-children-of-immigrants/.

However, because of their immigration status, immigrant workers are often particularly vulnerable to mistreatment and abuse by their employers. Immigrant employees often fear reporting wage or other labor violations, because such a report may subject them to immigration-related consequences or may result in their employer reporting them to immigration authorities. Because any noncitizen and undocumented worker is at risk of deportation, being reported to immigration authorities risks significant consequences for the worker.

Fears of immigration enforcement or retaliation for immigrant workers has increased considerably in the past year and a half under the current presidential administration, which has pursued a "mass deportation" agenda that has seen immigration enforcement officers raiding entire communities and workplaces and arresting and detaining immigrants for little to no reason at all. Reports have found that discrimination and retaliation or threats of retaliation against immigrant workers have skyrocketed under the new administration.[3]

3. Current law prohibits discrimination and retaliation against an employee

A number of laws protect a worker's right to not be discriminated or retaliated against because of their immigration status or national origin. Under the Immigration and Nationality Act, discrimination and retaliation against a worker regarding hiring, recruitment, or referral for a fee because of the individual's national origin or, for certain immigrants, immigration status. (8 U.S.C. § 1324b.) In addition, the Fair Employment and Housing Act prohibits discrimination against an employee on the basis of their national origin, which includes discrimination on the basis of immigration status. (Gov. Code § 12940, 2 C.C.R. § 11028(f)(3).)

With regards to retaliation, a number of other state laws provide some protections. Labor Code section 1102.5 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. (Lab. Code §§ 1102.5 et seq.) Under the Private Attorneys General Act (PAGA), the law that permits employees to file suits against their employers for labor code violations on behalf of themselves and their coworkers, employees are protected to bring labor violation suits free from the threat of retaliation, and the Labor Code further prohibits an employer from taking an adverse action against an employee who files a bona fide complaint or brings a lawsuit. (Lab. Code §§ 2699, 98.6.)

[3] Amir Khafagy, "Immigration discrimination complaints surge in New York during Trump's second term" (May 20, 2026) https://documentedny.com/2026/05/20/fear-deportation-immigrant-rights/; Angeline McCall, "Advocates sound the alarm on wage theft and workplace retaliation with deportation threats," (Sept. 8, 2025) https://www.9news.com/article/news/local/local-politics/immigrant-wage-theft-workplace-retaliation-deportation-threats-ice/73-c9093016-26bd-4284-b849-e8e079909d58.

In 2018, the Legislature passed AB 263 (Roger Hernández, Ch. 732, Stats. 2013) to make it unlawful for an employer to engage in an "unfair immigration-related practice" against a person as retaliation for exercising their rights as employees. An "unfair immigration-related practice" includes: requesting more or different documents than are required by law, or refusing to honor documents that on their face seem authentic; 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; threatening to file or filing a false police report; and threatening to contact or contacting immigration authorities. (Lab. Code § 1019(b).) AB 2751 (Roger Hernández, Ch. 79, Stats. 2014) was passed in 2014 to add a $10,000 statutory penalty for any such violations.

4. AB 2495 would strengthen protections against intimidation for immigrant workers

While these statutes provide employees protections from retaliation by an employer for exercising their rights as employees, and protect against threats of retaliation, they do not protect employees from more insidious or veiled acts by employers that are nonetheless meant to chill an employee from exercising their rights or coerce them to do or not do a particular act. Such acts of intimidation may still instill within a worker substantial fear about the immigration-related consequences that they must suffer for speaking out, and thus also substantially deprive an employee of the exercise of their rights.

AB 2495 aims to combat this intimidating conduct by strengthening the state's laws regarding retaliation. It expands current protections to include retaliation for exercising or attempting to exercise an employee's rights under any local, state, or federal statute or regulation relating to employees. It also makes it unlawful for an employer or other person to engage in any conduct related to a person's perceived immigration status that would reasonably tend to dissuade an employee from engaging in conduct that the employee has a legal right to engage in, or to induce an employee to engage in conduct that they have a right not to engage in. AB 2495 specifies that actual immigration status is irrelevant to a determination of liability for such acts, thus helping to ensure that an employee's actual immigration status does not have to become a relevant factual matter in order to succeed with any such claim.

Many employers can manage to avoid liability under the current law while still managing to intimidate their employees through a variety of actions into not speaking up or asserting their rights; the current federal government's focus on mass deportation makes this more of a risk than ever. AB 2495 aims to provide workers greater protections against this more insidious type of worker intimidation.

5. Arguments in support

According to Legal Aid at Work, the sponsor of this bill:

> 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.
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> In one case, a caregiver, who was trafficked into the country, worked in egregious conditions in a care home making as little as $130 a day for 15 hours a day of work. His employer knew of his tenuous immigration status and repeatedly discussed the consequences of revealing his status to anyone, including to licensing authorities. The worker continued to endure these conditions without asserting his rights until he was eventually replaced by his employer's relative.
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> In another example, an employer made general comments about ICE. The worker was vulnerable due to his immigration status. The employer was not paying the worker, but the worker was too afraid to file a wage claim. In another case, the employer in a fast food restaurant said that he would let ICE in if ICE showed up and that he is not going to protect the workers, and they should run. The workers were afraid to file claims for wage violations.
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> 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."
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> 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 protecting workers from employer conduct that would reasonably tend to dissuade a 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.

Recent amendments address a potential issue in the previous version of the language that may inadvertently cause a workers' immigration status to be exposed to discovery. The amendments resolve this issue by clarifying that a prima facie claim under this bill could be made out if an employer's conduct "reasonably tends to" dissuade an employee from exercising or abstaining based on their legal right. This language borrows the protections against employer interference in the exercise of labor rights under the National Labor Relations Act. The Ninth Circuit and California courts have applied an objective test to analyze this type of claim, ruling that liability does not turn on the employer's motive, but rather whether under all circumstances, the conduct reasonably tends to restrain or interfere with employees in exercise of their protected rights. "Reasonable tend to chill" also appears in other NRLB decisions analyzing whether workplace rules or policies are unlawful.

SUPPORT

AAPIs for Civic Empowerment (co-sponsor)
California Employment Lawyers Association (co-sponsor)
Coalition for Humane Immigrant Rights (CHIRLA) (co-sponsor)
Equal Rights Advocates (co-sponsor)
Legal Aid At Work (co-sponsor)
California Community Foundation
California Faculty Association
California Rural Legal Assistance Foundation
California Teachers Association
County of Santa Clara

OPPOSITION

None received

RELATED LEGISLATION

Pending Legislation: None known.

Prior Legislation:

SB 294 (Reyes, Ch. 667, Stats. 2025) established the Workplace Know Your Rights Act to require an employer, on or before February 1, 2026, and annually thereafter, to provide a stand-alone written notice to each employee of specified workers' rights and constitutional rights when interacting with law enforcement, including their rights to be protected against unfair immigration-related practices, and required an employer to notify an employee's designated emergency contract if the employee is arrested or detained on their worksite.

AB 1136 (Ortega, 2025) would have required an employee, upon their request, to be released by their employer for up to five unpaid working days within a 12-month period in order to attend appointments and other meetings concerning their immigration status or an immigration-related matter, would have required an employer to reinstate a post-introductory employee who was terminated due to an inability to provide documentation of proper work authorization upon producing proper work authorization, and would have required an employer to place an employee on unpaid leave of absence upon notification that the employee had been detained or incarcerated as a result of pending immigration or deportation proceedings, as specified. AB 1136 was vetoed by the Governor, who stated that "this measure could cause significant confusion for both employees and employers, exacerbated by the shifting tactics of federal law enforcement. The bill duplicates existing discrimination protections and is inconsistent with other leave frameworks in state law, which will lead to compliance challenges and inefficiencies with enforcement."

AB 450 (Chiu, Ch. 492, Stats. 2017) required an employer to provide a current employee notice of an inspection of I-9 e-Verify forms or other employment records conducted by an immigration agency within 72 hours of receiving the federal notice of inspection, prohibited an employer or other person acting on the employer's behalf from providing voluntary consent to an immigration enforcement agent to access, review, or obtain the employer's employee records without a subpoena or court order, and prohibited an employer from re-verifying an employee's employment authorization in a manner not required by law. This provision of AB 450 was enjoined in *U.S. v. California* (2019) 921 F.3d 865.

AB 2751 (Roger Hernández, Ch. 79, Stats. 2014) provided that a $10,000 penalty be awarded to the employee or employees who suffered the violation of the prohibition against an employer from discharging an employee or discrimination, retaliating, or taking adverse action against an employee or applicant for engaging in protected conduct, and included in the definition of "immigration-related practice" the threatening to file or filing of a false report with any state or federal agency.

AB 263 (Roger Hernández, Ch. 732, Stats. 2013) made it unlawful for an employer to engage in an "unfair immigration-related practice" against a person for the purposes of retaliating against them for exercising their rights as an employee, as specified.

PRIOR VOTES:

Senate Labor, Public Employment and Retirement Committee (Ayes 4, Noes 1)
Assembly Floor (Ayes 59, Noes 18)
Assembly Appropriations Committee (Ayes 11, Noes 4)
Assembly Judiciary Committee (Ayes 9, Noes 3)
Assembly Labor and Employment Committee (Ayes 5, Noes 1)

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