

New California Laws Provide Protections to Immigrant Employees

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On October 5, 2017, California Governor Jerry Brown [signed 11 bills](#) essentially making California a sanctuary state. The California Values Act (SB 54) aims to protect undocumented immigrants living in California. Brown [stated that](#) “this bill strikes a balance that will protect public safety while bringing a measure of comfort to those families who are now living in fear every day.” The law, which will become effective on January 1, 2018, stops state and local enforcement agencies from using state resources to enforce federal immigration laws.

While the California Values Act has received a good deal of press, it is the Immigrant Worker Protection Act (AB 450), that is [most relevant to employers](#).

With the signing of the IWPA, California became the first state to explicitly affirm the rights of immigrant workers at the worksite. The bill imposes an affirmative obligation on California employers to provide employees notification that ICE has determined they are lacking work authorization, thereby giving them advance warning that ICE may be considering their apprehension and removal from the U.S. through a workplace raid. Beyond union support, the IWPA is designed to protect an immigrant workforce essential to California’s economy – especially its agriculture. [“According to \[California\] state Controller Betty Yee, undocumented immigrants’ labor is worth more than \\$180 billion a year.”](#)

To protect immigrant employees, the IWPA:

- Requires employers to ask for a warrant before allowing federal immigration officials into a workplace to interview employees
- Bars employers from sharing employees’ confidential information (i.e. Social Security numbers) without a subpoena except for I-9s or other documents when a Notice of Inspection has been provided
- Establishes penalties ranging from \$2,000 to \$10,000 for employers that:
 - Fail to give employees public notice within 72 hours of an upcoming federal immigration inspection of employee records including written notice to any Collective

Bargaining Representative

- Fail to provide affected employees with a copy of any Notice of Inspection and a copy of any inspection results within 72 hours

In late September, just prior to the signing of these bills, ICE implemented “Operation Safe City.” During the four-day operation about 500 people were arrested in California, Colorado, Illinois, Maryland, Massachusetts, New York, Oregon, and Pennsylvania, in cities and counties specifically targeted for their sanctuary policies. [Thomas Homan, ICE's Acting Director stated](#): “Sanctuary jurisdictions that do not honor detainers or allow us access to jails and prisons are shielding criminal aliens from immigration enforcement and creating a magnet for illegal immigration . . . As a result, ICE is forced to dedicate more resources to conduct at-large arrests in these communities.” Now, in response to the California Values Act and the IWPA, [ICE announced it would have to target](#) California neighborhoods and worksites.

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