



The Immigrant Worker Protection Act

Compliance with RCW 49.97



Roadmap

1. Overview of Immigrant Worker Protection Act
2. Immigration Enforcement in the Workplace
3. Questions
4. Contact Information

*Please note that this presentation is *not* legal advice. If you have questions about the information in this presentation, please contact your attorney.



The Immigrant Worker Protection Act

- Passed in the 2026 Washington State legislative session
- Requires employers to notify their workers in the event of an I-9 inspection
- Requires the AGO to provide resources to help employers comply with the law
- The bill ensures workers have the same information as their employers and know when their information is being shared with immigration officials



Goal for the IWPA

Our goal is for workers and employers to benefit from the clarity of this law. We seek to promote compliance.

The AGO also produced materials to support employers with IWPA compliance.

The Attorney General's Office is authorized to enforce this law for Washington, and aggrieved workers can also bring a private right of action against their employer.



Office of Investigations

U.S. Department of Homeland Security
[Address]
[Address]



U.S. Immigration
and Customs
Enforcement

NOTICE OF INSPECTION

[Date]

[Name of Company Official]
[Company Name]
[Company Address]

Dear Sir/Madam:

Section 274A of the Immigration and Nationality Act, as amended by the Immigration Reform and Control Act of 1986, requires employers to hire only United States citizens and aliens who are authorized to work in the United States. Employers must verify employment eligibility of persons hired after November 6, 1986 using the Employment Eligibility Verification Form I-9.

U.S. Immigration and Customs Enforcement (ICE) regulations require the provision of three days notice prior to conducting a review of an employer's Forms I-9. This letter serves as advance notice that ICE has scheduled a review of your forms for insert date and time. You may, however, waive the three-day period, should you wish to do so, by annotating and signing the bottom of this letter and advising this office of your decision.

During the review, insert name and title of ICE point of contact will discuss the requirements of the law with you and inspect your Forms I-9. The purpose of this review is to assess your compliance with the provisions of the law. ICE will make every effort to conduct the review of records in a timely manner so as not to impede your normal business routine.

Sincerely,

Insert name
Insert title (GS or above)

I wish to waive the three day notice to which I am entitled by regulation.

(Printed Name)

(Signature)

(Date)

- The law goes into effect on October 1, 2026
- If an employer receives a Notice of Inspection from a federal agency, they must comply with the Immigrant Worker Protection Act



Employer Requirements Under the Law

1. Employers must display an Immigrant Worker Protection Act Poster, which is published by the AGO. The poster requires you to write where you will display a notice and how you will notify employees.
2. After receiving an I-9 Notice of Inspection, an employer must:
 - A. Provide written notice to each worker and their union representative (if any), through **email, text message, or hand delivery**, and
 - B. Post the written notice in a conspicuous place.
3. Then, if the inspection results identify any issues or challenges with a worker's work authorization documents, an employer must provide written notice to the affected worker (and their union representative, if any). This can be **through email, text message, or hand delivery**.



WORKERS' RIGHTS WHEN FEDERAL IMMIGRATION AGENTS CONDUCT AN I-9 INSPECTION OF THE WORKPLACE

The Immigrant Worker Protection Act (IWPA) is a Washington state law that requires your employer to notify you when federal immigration agents conduct an I-9 inspection of the business or worksite. An I-9 inspection is when federal immigration agents, including ICE, inspect whether an employer has properly completed I-9s.

ANY PERSON CAN EMAIL OR CALL THE WASHINGTON STATE ATTORNEY GENERAL'S OFFICE TO LEARN MORE, SHARE CONCERNS, OR REPORT POTENTIAL VIOLATIONS.



IWPA@atg.wa.gov



(206) 254-4270



The IWPA requires employers to do two things:

1. Within five business days of receiving notification from a federal agency of any inspection of I-9s and related worker records, employers must directly notify their workers (and their union or collective bargaining representative, if any) of the inspection and post notice of the inspection in an area where all workers can see it.

I
W
P
A

2. Within five business days of receiving the I-9 inspection results from a federal agency, notify any affected worker (and their union or collective bargaining representative, if any) if the inspection identified errors in their work authorization forms or identified the worker as lacking work authorization, explain the time period for correcting the error, and offer to meet with workers and their union or collective bargaining representatives.

The full notice requirements under the law can be found in RCW 49.97.050 and 49.97.060

In the event of an I-9 inspection, this employer will notify each worker of the I-9 inspection via ☐ text / ☐ email / ☐ hand delivery / ☐ other) and post notices of any I-9 inspection at the following location(s):

If the I-9 inspection identifies deficiencies, this employer will notify each affected worker identified with an error via ☐ text / ☐ email / ☐ hand delivery / ☐ other) and provide the worker an opportunity to meet with the employer and make any corrections.

IWPA Poster



Model Notice

To all workers at (name of workplace): _____
From (employer name): _____

Notice to Workers of Form I-9 Inspection

*The Immigrant Worker Protection Act (RCW 49.97) is a Washington state law that requires employers to provide a notice to each employee of a federal Form I-9 inspection within **five (5) business days** of receiving a notice of inspection. This document dated (MM/DD/YYYY): _____, constitutes notice of the Form I-9 inspection.*

ATTENTION: This employer has received notice of a Form I-9 inspection by the following federal agency (or agencies):

- ☐ Department of Homeland Security (DHS)
 - ☐ ICE (Immigration and Customs Enforcement)
 - ☐ USCIS (United States Citizenship and Immigration Services)
- ☐ United States Department of Labor (DOL)
- ☐ Other: _____

The Notice of Inspection was received on (MM/DD/YYYY): _____

Purpose of the inspection to the extent known by the employer:

- ☐ To verify work authorization documents
- ☐ Other reason known: _____

The federal agency requests that this employer make the following types of records available as part of the inspection (to the extent known, check all that apply):

- ☐ Form I-9s
- ☐ Supporting documents for Form I-9s (such as copies of passports, driver licenses, social security cards, permanent resident cards)
- ☐ Form I-9 electronic system records and audit trail
- ☐ Payroll records and data (including employee names, social security numbers, hire dates)
- ☐ Any list of current employees (including names, social security numbers, birth dates, hire dates, etc.)
- ☐ Any list of terminated employees (including names, social security numbers, birth dates, hire dates, etc.)

Important notes for compliance



The notice must be shared with workers and their union representative (if any) within **FIVE** business days.



If the employer uses the model notice in accordance with the instructions provided by the attorney general, then the employer has satisfied the requirements of the law.



The notice must be shared in English and the five most commonly used languages in Washington state.



It is recommended that you keep proof of sending mail, records of texts, and dated electronic transmission of emails.



I-9 Inspection Outcomes

During the process of a Form I-9 Inspection, the inspecting agency will often share its findings by issuing one of the following notices.

1. Notice of Inspection Results: Compliance Letter (no further action necessary in accordance with IWPA)
2. Notice of Suspect Documents: HSI has determined that the documentation presented by employee(s) do not relate to the employee(s) or are otherwise not valid for employment. HSI provides the employer and employee(s) an opportunity to provide documentation demonstrating valid U.S. work authorization if they believe the finding is in error.
3. Notice of Discrepancies: HSI has been unable to determine the employees' eligibility to work in the U.S.
4. Notice of Technical or Procedural Failures: Identifies technical or procedural failures found during the inspection of Form(s) I-9 and gives the employer at least ten business days to correct the forms.

Model Notice to Affected Workers

Necessary to include
(among other requirements):

- The date the results were received
- A copy of the results from the inspection
- Options for dates and times the employer can meet with the employee to correct paperwork

This notice is from _____ (state name of employer) after receiving results from a federal Form I-9 Inspection.

Notice to Affected Workers of Form I-9 Inspection Results

The Immigrant Worker Protection Act (RCW 49.97) is a Washington state law that requires employers to provide notice to each worker identified by a federal Form I-9 inspection result as lacking work authorization or whose paperwork has discrepancies. The employer must do so within five (5) business days of receipt of the inspection results. This letter dated (MM/DD/YYYY): _____, constitutes notice of the Form I-9 inspection results.

The following federal agency (or agencies) conducted a Form I-9 inspection of our records:

- ☐ Department of Homeland Security (DHS)
 - ☐ ICE (Immigration and Customs Enforcement)
 - ☐ USCIS (United States Citizenship and Immigration Services)
- ☐ United States Department of Labor (DOL)
- ☐ Other: _____

The results of the Form I-9 inspection were received on (MM/DD/YYYY): _____

You were identified as:

- ☐ Unable to verify work authorization
- ☐ Missing or incomplete documentation
- ☐ Error or technical issue with Form I-9
- ☐ Other

The specific error(s) identified in our records that relate to you are:

Notice of Inspection Timeline

Immigration Officials Issue a Notice of Inspection

This is a federal document issued by a federal agency. Employers should comply with what the document asks.

Notify Workers of Inspection in Compliance with IWPA

This must be done **5 business days** after receiving the Notice of Inspection.

Provide Form I-9s and Other Documents to Immigration Officials

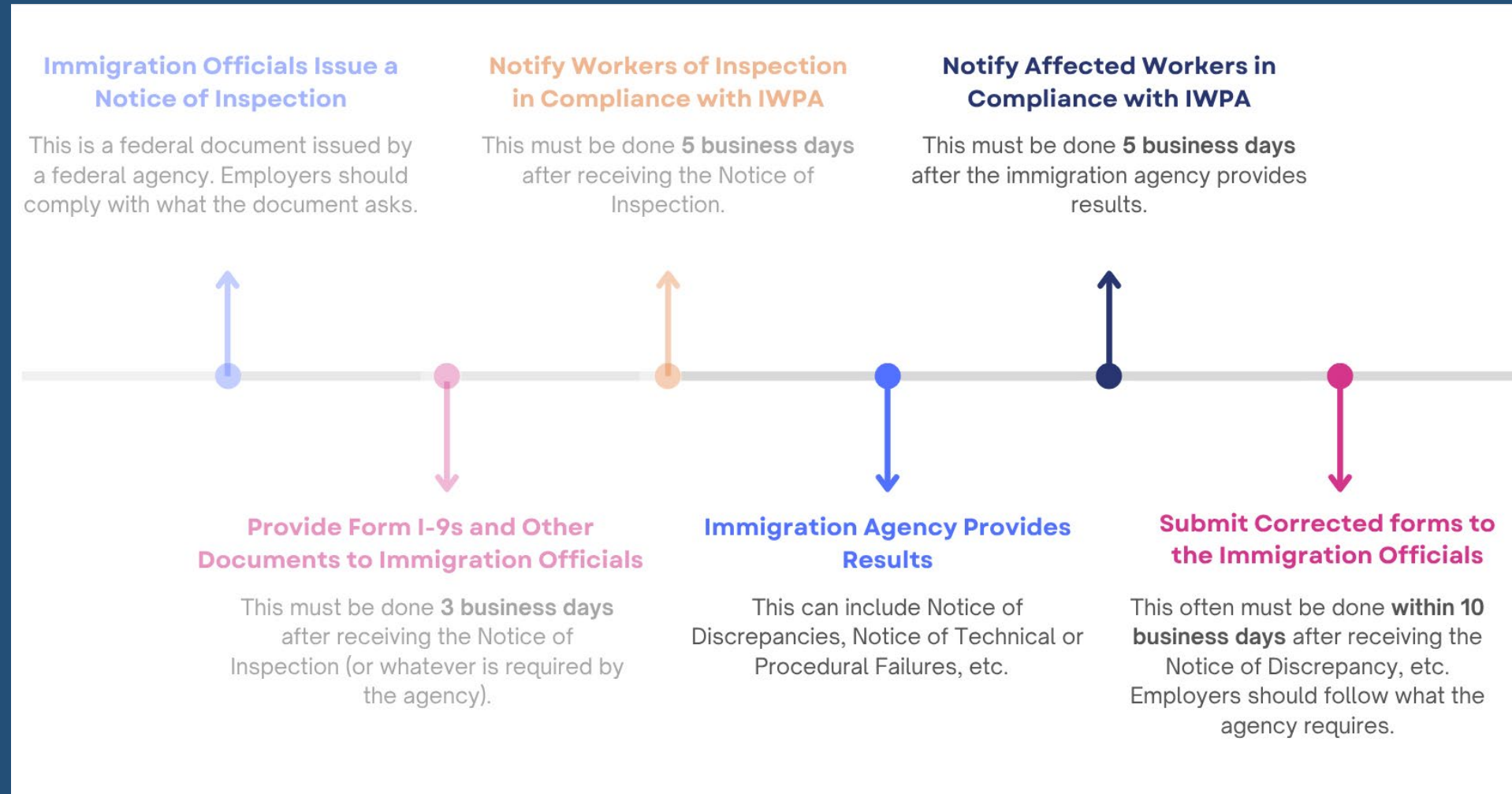
This must be done **3 business days** after receiving the Notice of Inspection (or whatever is required by the agency).

Immigration Agency Provides Results

This can include a Notice of Inspection Results (Compliance Letter)



Notice of Inspection Timeline





Key Takeaways

All Employers:

1. Post the IWPA Poster with your other workplace posters by October 1st

In the Event of an I-9 Notice of Inspection:

1. Notify your employees of the inspection within 5 business days and post the notice in a conspicuous place
2. If you receive inspection results that request corrections or additional documents for certain workers, notify those affected workers



What If Immigration Agents Come to My Business?



Know Your Rights

- Employers are not required to direct an ICE agent to an employee they are looking for.
- Employers are not required to help ICE agents sort employees based on their immigration status or nationality.
- Workers are allowed to stay silent and request a lawyer if ICE begins to question them.
- Workers do not have to give their IDs or papers to ICE. All workers have this right.
- Individuals have the right to record ICE interactions in public spaces.
- For more, see WA AGO's [Employer Rights and Responsibilities Regarding Federal Immigration Enforcement in the Workplace](#)

Develop a Response Plan

Make a specific plan for if ICE comes to your business. This will allow workers not to panic and know what to do.



You may wish to provide your workers with Know Your Rights information in the event of an ICE raid.



You can encourage your workers to:

- Not run when ICE arrives
- Defer questions to their employer

Delineate Public and Private Spaces

Public areas: generally accessible to the public. Private businesses can limit some areas to paying customers and retain the right to refuse service

- *Example of a public space: dining area of a restaurant, lobby of a business, etc.*

Private areas: No one can enter a private area of your business without your permission or a judicial warrant

- *Example of a private space: kitchen, closed office, etc.*

It may be helpful to show that some areas are private by marking them with a “Private” sign. You may also have a policy that visitors and the public cannot enter those areas without permission.

Judicial vs. Administrative Warrants

- Immigration agents may enter a private area ONLY IF they have permission or a *judicial warrant or subpoena*.
- If ICE agents try to enter a private area, you can request to see the judicial warrant prior to allowing them to enter.
 - A judicial warrant must be signed by a judge and say “U.S. District Court” or a State Court at the top.
- ICE agents may present an administrative warrant to enter. *Administrative warrants* do NOT allow agents to enter private areas without permission.
 - Administrative warrants are not from a court and instead say “Department of Homeland Security” and are on Forms I-200 or I-205.

Sample Judicial Warrant



UNITED STATES DISTRICT COURT

for the

In the Matter of the Search of
*(Briefly describe the property to be searched
or identify the person by name and address)*

)
)
) Case No.
)
)
)

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the _____ District of _____
(Identify the person or describe the property to be searched and give its location):

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal *(Identify the person or describe the property to be seized):*

YOU ARE COMMANDED to execute this warrant on or before _____ *(not to exceed 14 days)*

☐ in the daytime 6:00 a.m. to 10:00 p.m. ☐ at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to _____
(United States Magistrate Judge)

☐ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized *(check the appropriate box)*

☐ for _____ days *(not to exceed 30)* ☐ until, the facts justifying, the later specific date of _____

Date and time issued: _____

Judge's signature

City and state: _____

Printed name and title

Sample Administrative Warrant

U.S. DEPARTMENT OF HOMELAND SECURITY

Warrant for Arrest of Alien

File No. _____

Date: _____

To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

I have determined that there is probable cause to believe that _____ is removable from the United States. This determination is based upon:

- ☐ the execution of a charging document to initiate removal proceedings against the subject;
- ☐ the pendency of ongoing removal proceedings against the subject;
- ☐ the failure to establish admissibility subsequent to deferred inspection;
- ☐ biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- ☐ statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

(Signature of Authorized Immigration Officer)

(Printed Name and Title of Authorized Immigration Officer)

Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at _____
(Location)

on _____ on _____, and the contents of this
(Name of Alien) (Date of Service)

notice were read to him or her in the _____ language.
(Language)

Name and Signature of Officer

Name or Number of Interpreter (if applicable)



Sample I-9 Notice of Inspection



U.S. Immigration
and Customs
Enforcement

NOTICE OF INSPECTION

[Date]

[Name of Company Official]

[Company Name]

[Company Address]

Dear Sir/Madam:

Section 274A of the Immigration and Nationality Act, as amended by the Immigration Reform and Control Act of 1986, requires employers to hire only United States citizens and aliens who are authorized to work in the United States. Employers must verify employment eligibility of persons hired after November 6, 1986 using the Employment Eligibility Verification Form I-9.

U.S. Immigration and Customs Enforcement (ICE) regulations require the provision of three days notice prior to conducting a review of an employer's Forms I-9. This letter serves as advance notice that ICE has scheduled a review of your forms for Insert date and time. You may, however, waive the three-day period, should you wish to do so, by annotating and signing the bottom of this letter and advising this office of your decision.

During the review, Insert name and title of ICE point of contact will discuss the requirements of the law with you and inspect your Forms I-9. The purpose of this review is to assess your compliance with the provisions of the law. ICE will make every effort to conduct the review of records in a timely manner so as not to impede your normal business routine.

Sincerely,

Insert name

Insert title (GS or above)

I wish to waive the three day notice to which I am entitled by regulation.

(Printed Name)

(Signature)

(Date)





AGO Resources

- [Immigrant Worker Protection Act \(IWPA\) Materials](#)
- [Know Your Rights: Civil Immigration Enforcement in Washington](#)
- [Know Your Rights: Witnessing Immigration Enforcement Activity](#)
- [Employer Rights and Responsibilities Regarding Federal Immigration Enforcement in the Workplace](#)



Questions?

Thank you!

Delaney Hewitt

Delaney.Hewitt@atg.wa.gov

Maxwell Schaeffer

Maxwell.Schaeffer@atg.wa.gov

IWPA Team

iwpa@atg.wa.gov

