

New California Worksite Enforcement Law, Effective January 1, 2018, Restricts Employer Responses To ICE Agents

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Recently, the State of California signed into law A.B. 450, which will become effective January 1, 2018. This new law limits employers' responses to U.S. Immigration and Customs Enforcement (ICE) agents. Under this new law, California employers are prohibited from providing voluntary consent to immigration enforcement agents to enter nonpublic areas of a place of labor unless the agent provides a judicial warrant. In addition, California employers are prohibited from providing voluntary consent to immigration enforcement agents to access, review, or obtain the employer's employee records without a subpoena or judicial warrant. The law requires employers to provide employees notice of an inspection of I-9 Employment Eligibility Verification forms or other employment records conducted by an immigration agency within 72 hours of receiving the federal notice of inspection and to provide any affected employees copies of a notice of inspection of I-9 Employment Eligibility Verification forms and the inspection results. Lastly, under this new law, employers are prohibited from re-verifying the employment eligibility of a current employee at a time or in a manner not required by specified federal law. Penalties can range from \$2,000 to \$10,000 for violations of this law, which are enforced by the State of California Labor Commissioner or the California Attorney General through civil action.

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Practice Areas

Business Immigration

Form I-9 and E-Verify
Compliance / U.S.

Immigration and Customs
Enforcement Investigations