

**Referendum K - Immigration Lawsuit Against Federal Government**

1 Referendum K is a proposed amendment to the Colorado statutes that:

- 2       ♦ requires the state of Colorado to sue the federal government to demand  
3       enforcement of existing federal immigration laws.

4 **Summary and Analysis**

5       Federal immigration laws determine which foreign-born individuals may enter the  
6       country, establish procedures to become a U.S. citizen, and specify how these laws are to  
7       be enforced. The federal government and some states, including Colorado, have laws  
8       prohibiting the expenditure of tax dollars to provide certain government services to illegal  
9       immigrants.

10       Referendum K directs Colorado's Attorney General to initiate, or join other states  
11       in, a lawsuit against the U.S. Attorney General to demand that the federal government  
12       enforce existing federal immigration laws. These attorneys general are the main legal  
13       advisors and law enforcement officers of the state of Colorado and the United States,  
14       respectively.

15       No other state has initiated a similar lawsuit, although several states have  
16       unsuccessfully sued the federal government to recover the costs of the education,  
17       incarceration, health, and welfare of illegal immigrants, arguing that the costs result from  
18       the federal government's failure to enforce its laws.

19 **Argument For**

20       1) A lawsuit will make it explicitly clear that states want the federal government  
21       to take action to enforce federal immigration laws. An independent research group  
22       estimates that last year Colorado spent \$225 million on K-12 education, emergency  
23       medical care, and incarceration of illegal immigrants. The state currently provides other  
24       services to all residents of the state regardless of immigration status, such as public health  
25       assistance and fire and police protection. This lawsuit is an important step in reducing  
26       costs incurred by the state in dealing with illegal immigrants.

1     **Argument Against**

2             1) Requiring the state attorney general to sue the federal government for  
3 enforcement of immigration laws could waste state tax dollars and the attorney general's  
4 time. The federal government has exclusive authority to make and enforce federal  
5 immigration laws, and other states' attempts to obtain reimbursement for costs incurred in  
6 dealing with illegal immigration have failed. Rather than pursuing a lawsuit that will likely  
7 fail, states should instead urge Congress to reform federal immigration laws.

8     **Estimate of Fiscal Impact**

9             The state will require about \$190,000 each year to sue the federal government for  
10 failing to enforce immigration laws. The state attorney general's office will require two  
11 new attorneys plus support staff for time and work associated with the lawsuit.