

**Referendum K  
Immigration Lawsuit Against Federal Government**

1 **Referendum K proposes a change 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 law determines which foreign-born individuals may enter the  
6 country, establishes procedures to become a U.S. citizen, and specifies how these laws are  
7 enforced. States cannot impose penalties for violations of federal immigration laws. States  
8 can adopt some laws related to immigration, for instance, some states, including Colorado,  
9 have laws prohibiting the expenditure of tax dollars to provide certain government services  
10 to illegal immigrants.

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

16 Several states have unsuccessfully sued the federal government to demand  
17 enforcement of immigration laws and to recover costs related to the education,  
18 incarceration, and health care of illegal immigrants, arguing that the costs result from the  
19 federal government's failure to enforce its laws. The Colorado legislature recently passed  
20 two laws that direct the state attorney general to take all available steps to make the federal  
21 government pay state costs related to illegal immigration. These steps could include suing  
22 the federal government.

23 **Argument For**

24 1) A lawsuit makes it explicitly clear that states want the federal government to  
25 take action to enforce federal immigration laws. An independent research group estimates  
26 that last year Colorado spent \$225 million on K-12 education, emergency medical care, and  
27 incarceration of illegal immigrants. Illegal immigrants also benefit from other state  
28 services provided to all residents of the state regardless of immigration status, such as  
29 public health assistance and child welfare services. The lawsuit required by Referendum K  
30 is an important step in reducing costs incurred by the state in dealing with illegal  
31 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 determine which immigrants may  
5 enter the U.S. and to remove those who are here illegally. Other states' attempts to make  
6 the federal government enforce immigration laws indicate that Colorado's effort will likely  
7 fail.

8     **Estimate of Fiscal Impact**

9             Referendum K is expected to cost the state \$190,000 annually until the lawsuit is  
10 resolved. The state attorney general's office will require two new attorneys plus support  
11 staff for time and work associated with the lawsuit.