

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 the Colorado 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 filed a lawsuit solely to demand that the federal government
16 enforce immigration laws, although several states have unsuccessfully sued the federal
17 government to recover costs related to the education, incarceration, and health care of
18 illegal immigrants, arguing that the costs result from the federal government's failure to
19 enforce its laws. The Colorado legislature recently passed two laws that direct the state
20 attorney general to pursue all remedies to recover from the federal government the costs
21 incurred by the state related to illegal immigration.

22 **Argument For**

23 1) A lawsuit makes it explicitly clear that states want the federal government to
24 take action to enforce federal immigration laws. An independent research group estimates
25 that last year Colorado spent \$225 million on K-12 education, emergency medical care, and
26 incarceration of illegal immigrants. Illegal immigrants also benefit from other state
27 services provided to all residents of the state regardless of immigration status, such as
28 public health assistance and child welfare services. The lawsuit required by referendum K
29 is an important step in reducing costs incurred by the state in dealing with illegal
30 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 Referendum K is expected to cost the state \$190,000 annually until the lawsuit is
10 resolved.