

## FALL 2006 IMMIGRATION UPDATE 2

October 13, 2006

### REFERENDA REFERRED TO THE VOTERS BY THE COLORADO GENERAL ASSEMBLY

During its special legislative session on immigration issues this summer, the General Assembly referred two measures to the voters. Both can be considered "messages" sent to the federal government from the state.

**Referendum H**, an amendment to Colorado statutes that would be effective January 1, 2008, would require Colorado corporations to report salaries to unauthorized migrants that they took as deductions on their federal income tax returns. Those deductions would be disallowed on their Colorado returns, thus increasing their Colorado tax liability. The requirement would apply only to employees who made more than \$600 and whom the business knew were unauthorized when they were hired.

According to the Colorado Blue Book, the arguments for the referendum rest on the belief that the availability of job opportunities is the root cause of unauthorized migration. Thus, any measures that help control the availability of jobs will help address the unauthorized migration problem. This referendum will work by making hiring of unauthorized migrants less economically advantageous for businesses.

Opponents of the referendum say it will have little impact on unauthorized migration. Its requirements will apply to only some cases. In addition, enforcement will depend on voluntary disclosure by businesses; since they will be admitting to breaking the law, businesses may not be likely to disclose. Furthermore, opponents say, immigration is a federal issue and should be dealt with at the federal level.

**Referendum K**, also an amendment to Colorado statutes, would require the Colorado Attorney General to sue the federal government to demand that it enforce existing immigration laws. This referendum is linked with two laws passed by the legislature to direct the Attorney General to take steps to recoup from the federal government funds that the state incurred related to illegal immigration (for example, costs of health care, education, and jail).

Supporters of this referendum argue that because the state cannot impose penalties for violating federal immigration laws but must bear the costs of providing federally mandated services to unauthorized migrants, it must have some way to recover and/or reduce those costs. A lawsuit would send a message to the federal government that states want the federal government to enforce existing laws.

Opponents of the referendum argue that a lawsuit would be a waste of state funds (perhaps \$190,000 per year for as long as the lawsuit remains active). Other states that have tried to sue the federal government to demand enforcement of the laws or to recover costs of providing services to unauthorized migrants have been unsuccessful. There is no reason to expect that Colorado's effort would be any different.

*The Denver Post* (October 10) has recommended a "yes" vote on both referenda, saying that "it's important that Colorado send a message to employers and to Washington that it is serious

about tackling the illegal immigration problem.” The *Rocky Mountain News* (October 1) has recommended a “yes” on H and a “no” on K while indicating that “neither measure will do much.”

## **IMMIGRATION DIVIDES BEAUPREZ AND RITTER**

As might be expected, immigration is dividing candidates in many election contests this fall, including the Colorado governor’s race. In two debates held this week (October 9-13), Bob Beauprez and Bill Ritter clashed on issues related to immigration.

Beauprez, in commercials and debates, has criticized Ritter for plea bargaining with unauthorized migrants when he was Denver’s DA. Beauprez opposes a guest worker program and supports more stringent enforcement of laws prohibiting hiring of unauthorized migrants. In an online debate sponsored by 9 News on Thursday, October 12, Beauprez said, “One of the things you need to do is not put ‘em back on the street once you’ve apprehended them. I think we have to insist that businesses not only hire people who are here legally, but give them the tools to comply with the law.”

Ritter countered by saying that, as DA, he reported all unauthorized migrants arrested to federal authorities, who were then responsible for deciding whether to deport. He criticized a law passed by Congress and supported by Beauprez that made being in the country without authorization a felony. Ritter supports a guest worker program and called for more federal action. “We should do more at the federal level because you can’t do this state by state,” said Ritter. “(We need to) put in place an identification system so that businesses understand who’s here legally and who’s not.”

Beauprez’s position paper on immigration is available at [http://www.beauprezforgovernor.com/issues/bob\\_beauprez\\_on\\_immigration.asp](http://www.beauprezforgovernor.com/issues/bob_beauprez_on_immigration.asp). Ritter’s position can be found at <http://www.ritterforgovernor.com/issuesII.cfm>.

Another race in which immigration is playing a major role is the Seventh Congressional District race between Rick O’Donnell and Ed Perlmutter. Again, both of these candidates state their positions on immigration on their websites at <http://www.rickodonnell.com/immigration.html> and <http://www.perlmutter2006.com/node/44>.

## **CONGRESS PASSES BILL CALLING FOR BUILDING 700-MILE FENCE**

On September 29, just before recessing for the run-up to the election, a bill requiring construction of 700 miles of fencing along the border in Texas, New Mexico, Arizona, and California passed both houses of Congress. The fence would be constructed along stretches of the border where entry by unauthorized migrants is common. Congress authorized \$1.2 billion to construct the fence, although estimates for its construction are as high as \$6 billion.

While President Bush has not signed the bill as of October 12, he said as recently as Wednesday that he is committed to building the fence. In more remote areas, the president wants to use “high-tech” methods such as sensors, cameras, radar, and surveillance aircraft, to create a “virtual wall” on the border.