

# The Costs and Consequences of Statewide Anti-Immigrant Policies

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## Fact Sheet: Litigation

*The federal courts have enjoined the majority of state laws that aim to enforce federal immigration law*

Laws enacted in Arizona, Georgia, Indiana, Utah, South Carolina, and Alabama, that attempt to deal with enforcement of federal immigration law at the state or local level have all been fully or partially enjoined—i.e., the laws have not gone into effect as passed by the legislature of each state.

After Arizona entered the arena of immigration enforcement by passing its law, S.B. 1070, the federal District Court for the District of Arizona quickly blocked several key provisions on July 28, 2010.<sup>1</sup> The Ninth Circuit Court of Appeals upheld that decision in April 2011.<sup>2</sup> Arizona remains entrenched in litigation, as the Supreme Court has agreed to hear the case this year.<sup>3</sup>

Alabama also remains locked in litigation, and several parts of its recent immigration-related law, H.B. 56, have been enjoined by the federal district and appeals courts.<sup>4</sup>

*States and local governments have spent millions of dollars in litigation costs to defend these laws*

In 2006, the City of Hazleton in Pennsylvania adopted a series of ordinances that created penalties for landlords that rented to, and employers that hired, undocumented immigrants. The laws never went into effect because they were immediately enjoined by the federal District Court for the Middle District of Pennsylvania and, after four years of litigation, the Third Circuit Court of Appeals struck down the set of ordinances.<sup>5</sup> Hazleton has already spent \$2.8 million to defend its laws and could ultimately spend up to \$5 million to fight through the appeals process.<sup>6</sup> The court also ruled that Hazleton's insurance carrier is not obligated to reimburse the city for any award to the plaintiffs against Hazleton, and for some of the city's own legal

fees. Thus, the majority of the costs have to be covered by the city.<sup>7</sup>

The town of Farmers Branch in Texas experienced a similar outcome after it adopted a series of anti-immigrant ordinances which were declared unconstitutional in federal court, with the town on the hook for \$4 million in legal fees.<sup>8</sup>

It has cost Arizona \$1.9 million thus far to defend S.B. 1070 against challenges by the U.S. government and by private parties.<sup>9</sup>

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**State laws that target immigrants have resulted in costly and protracted litigation in every state in which they have been enacted**

<sup>1</sup> U.S. v. State of Arizona, No. CV 10-1413-PHX-SRB (D. Az. July 28, 2010).

<sup>2</sup> U.S. v. State of Arizona, 10-16645 (9th Cir. Apr. 11, 2011), available at [http://www.ca9.uscourts.gov/datastore/general/2011/04/11/10-16645\\_opinion.pdf](http://www.ca9.uscourts.gov/datastore/general/2011/04/11/10-16645_opinion.pdf).

<sup>3</sup> Robert Barnes, Supreme Court to Hear Challenge to Arizona's Immigration Law, Washington Post, Dec. 12, 2011, available at [http://www.washingtonpost.com/politics/supreme-court-to-hear-challenge-of-arizonas-restrictive-immigration-law/2011/12/12/gJQA4UYepO\\_story.html](http://www.washingtonpost.com/politics/supreme-court-to-hear-challenge-of-arizonas-restrictive-immigration-law/2011/12/12/gJQA4UYepO_story.html).

<sup>4</sup> Bill Mears, Parts of Alabama Immigration Law Blocked by Federal Appeals Court, Oct. 14, 2011, available at <http://www.cnn.com/2011/10/14/us/alabama-immigration-law/index.html?npt=NP1>.

<sup>5</sup> Lozano v. Hazleton, 2010 WL 3504538 (3rd Cir. 2010).

<sup>6</sup> Philip E. Wolgin & Angela Maria Kelley, Your State Can't Afford It: The Fiscal Impact of States' Anti-Immigrant Legislation, July 5, 2011, available at [http://www.americanprogress.org/issues/2011/07/state\\_immigration.html](http://www.americanprogress.org/issues/2011/07/state_immigration.html).

<sup>7</sup> Scottsdale Ins. Co. v. City of Hazleton, 2009 WL 1507161 (M.D. Pa. 2009) (petition to reconsider denied).

<sup>8</sup> Philip E. Wolgin & Angela Maria Kelley, Your State Can't Afford It: The Fiscal Impact of States' Anti-Immigrant Legislation, July 5, 2011, available at [http://www.americanprogress.org/issues/2011/07/state\\_immigration.html](http://www.americanprogress.org/issues/2011/07/state_immigration.html);

<sup>9</sup> Center for American Progress Immigration Team, The 10 Numbers You Need to Know About Alabama's Anti-Immigrant Law: State Can Say Goodbye to Hundreds of Millions in Tax and Farm Revenue, Nov. 14, 2011, available at [http://www.americanprogress.org/issues/2011/11/top\\_10\\_alabama\\_immigration.html](http://www.americanprogress.org/issues/2011/11/top_10_alabama_immigration.html).