

(updated) November 2011

Checklist for Estimating the Costs of State-Level Immigration Enforcement Laws

Arizona's infamous anti-immigrant law, SB 1070, has spawned many imitators. In a growing number of state houses around the country, bills have been passed or introduced which—like SB 1070—create new state immigration crimes and expand the power of police to enforce immigration laws.¹ Some state laws would make E-Verify mandatory for all businesses, require schools to check students' immigration status, or make it a crime to “harbor or transport” unauthorized immigrants. State legislators who are thinking of jumping on the immigration enforcement bandwagon, however, would be wise to consider the costs of such legislation. State immigration enforcement laws impose unfunded mandates on the police, jails, and courts; drive away workers, taxpayers, and consumers upon whom the state economy depends; and invite costly lawsuits and tourist boycotts. These are economic consequences which few states can afford at a time of gaping budget deficits.

The following is a guide to calculating the costs associated with state-level immigration enforcement bills:

Cost to Police

- Costs associated with a projected increase in arrests by police.
 - Average number of hours needed for police to detain someone for a particular offense, determine their legal status, transport them to a police station, book them, complete a report, prepare for court, and testify in court.
 - Average cost per hour for police to complete these tasks.
 - [Number of additional arrests] x [number of hours per arrest] x [cost per hour for an arrest] = cost to police.²

Cost to Jails

- Costs associated with a projected increase in jail population.
 - Average number of days someone spends in jail for a particular offense.
 - Average cost per day to jail someone.
 - [Number of additional prisoners] x [number of days in prison] x [cost per day to jail someone] = cost to jails.³

Other Criminal-Justice Costs

- Cost of projected increase in prosecutorial and public-defender staff, jail space, court rooms, and support offices needed to handle increased caseload.
- Cost of foster-care for children of detained immigrants.⁴

Costs to State Agencies

- Costs associated with additional personnel and time necessary to check the identification documents of all persons applying for certain state benefits.

Costs to Schools

- Costs associated with checking and reporting the immigration status of children enrolled in schools.
- Lost federal or state funding for schools due to decreases in school enrollment.

Legal Costs

- Legal costs incurred by the state to defend against lawsuits.

Costs of E-Verify⁵

- Cost of implementing E-Verify to businesses, which is estimated to be \$435 per year for a small business.⁶
- Costs to U.S. citizens and legal immigrants who are erroneously flagged as not eligible to work by E-Verify.

Cost to the State Economy

- Decrease in economic output, tax revenue, and consumer purchasing power as the state loses workers, taxpayers, and consumers.⁷
 - Undocumented immigrants (and their families) who are either deported or move out of the state.
 - Legal immigrants and U.S. citizens who move out of the state to avoid racial profiling.
- Decline in sales—and loss of jobs—among businesses in immigrant-heavy communities: grocery stores, department stores, restaurants, realtors, etc.
- Impact of negative publicity and protest boycotts on the tourism and convention industries.⁸

Endnotes

¹ See Immigrant Policy Project, National Conference of State Legislatures, [*2010 Immigration-Related Laws and Resolutions in the States \(January 1 - December 31, 2010\)*](#), January 5, 2011.

² See the [fact sheet](#) prepared by Sheriff Ralph E. Ogden of Yuma County, Arizona, in response to SB 1070-like legislation proposed in 2006.

³ See the [fiscal note statement](#) prepared by the Kentucky Legislative Research Commission on State Senate Bill 6, January 11, 2011.

⁴ See [*Shattered Families: The Perilous Intersection of Immigration Enforcement and the Child Welfare System*](#). Applied Research Center, November 2011.

⁵ See IPC's [E-Verify state fact sheets](#) for more information on the costs to select states.

⁶ Jason Arvelo, "[Assessing E-Verify Costs for Employers, Taxpayers](#)," *Bloomberg Government*, January 2011.

⁷ See Raul Hinojosa and Marshall Fitz, [*A Rising Tide or a Shrinking Pie: The Economic Impact of Legalization Versus Deportation in Arizona*](#). Immigration Policy Center and Center for American Progress, March 2011.

⁸ See Marshall Fitz and Angela Maria Kelley, [*Stop the Conference: The Economic and Fiscal Consequences of Conference Cancellations Due to Arizona's S.B. 1070*](#) (Washington, DC: Center for American Progress, November 18, 2010).