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Criminal Statutes

Criminal Statutes Used for Prosecuting Employers

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8 USC 1324(a)(1)(A)(i) – Alien Smuggling

Any person who — knowing that a person is an alien, brings to or attempts to bring to the United States in any manner whatsoever such person at a place other than a designated port of entry or place other than as designated by the Commissioner, regardless of whether such alien has received prior official authorization to come to, enter, or reside in the United States and regardless of any future official action which may be taken with respect to such alien



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8 USC 1324(a)(1)(A)(iv) - Inducing an Illegal Alien to Enter the United States

Any person who—encourages or induces an alien to come to, enter, or reside in the United States, knowing or in reckless disregard of the fact that such coming to, entry, or residence is or will be in violation of law



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8 USC 1324(a)(1)(A)(ii) - Transporting an Illegal Alien

Any person who—knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, transports, or moves or attempts to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law



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8 USC 1324(a)(1)(A)(iii) - Concealing, Harboring or Shielding an Illegal Alien from Detection

Any person who—knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, conceals, harbors, or shields from detection, or attempts to conceal, harbor, or shield from detection, such alien in any place, including any building or any means of transportation;



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8 USC 1324(a)(3)(A) – Felony Provision for Knowingly Hire/Continue to Employ

Any person who, during any 12-month period, knowingly hires for employment at least 10 individuals with actual knowledge that the individuals are aliens shall be fined under title 18 or imprisoned for not more than 5 years, or both.



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8 USC 1324a(f)(1) – Pattern or Practice of Hiring Illegal Aliens

Any person or entity which engages in a pattern or practice of violations shall be fined not more than \$3,000 for each unauthorized alien with respect to whom such a violation occurs, imprisoned for not more than six months for the entire pattern or practice, or both, notwithstanding the provisions of any other Federal law relating to fine levels.



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18 USC 1001 – False Statements

Whoever...knowingly and willfully –

(1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

(2) makes any materially false, fictitious, or fraudulent statement or representation; or

(3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; shall be fined under this title or imprisoned not more than 5 years, or both.



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18 USC 1546 - Fraud and Misuse of Visas, Permits, and Other Documents

- Exceptionally Broad Statute
- Encompasses Forging, Counterfeiting, Altering, Making, Possesses, Uses, Attempts to Use, Impersonates
- Any document relating to prescribed by statute or regulation for entry into or as evidence of authorized stay or employment in the United States
- Includes false statements on any application or immigration document (I-129, I-140, Form I-9, etc.)
- Sentencing Enhancements if related to Terrorism, Drug Trafficking, or Repeat Offender



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18 USC 1589 – Forced Labor

Whoever knowingly provides or obtains the labor or services of a person—

(1) by threats of serious harm to, or physical restraint against...;

(2) by means of any scheme, plan, or pattern intended to cause the person to believe that, if the person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint; or

(3) by means of the abuse or threatened abuse of law or the legal process shall be fined under this title or imprisoned not more than 20 years, or both. Defendant is subject to imprisonment up to life.



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