or of a bond with sufficient surety to secure the payment thereof approved by the Commissioner. The provisions of section 1225 of this title for detention of aliens before immigration judges and the right of appeal provided for in section 1226 of this title shall not apply to aliens who arrive as stowaways and no such alien shall be permitted to land in the United States, except temporarily for medical treatment, or pursuant to such regulations as the Attorney General may prescribe for the ultimate departure or removal or deportation of such alien from the United States.


Pub. L. 103–416, § 209(a)(1), as amended by Pub. L. 104–208, § 671(b)(7), substituted “a fine of $3,000” for “the sum of $3,000”.

Pub. L. 103–416, § 209(a)(2), (4), in first sentence substituted “an amount equal to” for “a sum equal to” and “such latter fine” for “such latter sum”, and in second sentence substituted “such fine or while such fine” for “such sums or while such sums” and “cover such fine” for “cover such sums”.

Subsec. (c). Pub. L. 103–416, § 209(a)(3), in second sentence substituted “except as if subsection (e) of this section, such fine” for “Such sums”.

Subsec. (d). Pub. L. 103–416, § 216, amended first sentence generally. Prior to amendment, first sentence read as follows: “The owner, charterer, agent, consignee, commanding officer, or master of any vessel or aircraft arriving at the United States from any place outside thereof who fails to detain on board or at such other place as may be designated by an immigration officer any alien stowaway until such stowaway has been inspected by an immigration officer, or who fails to detain such stowaway on board or at such other designated place after inspection if ordered to do so by an immigration officer, or who fails to deport such stowaway on the vessel or aircraft on which he arrived or on another vessel or aircraft at the expense of the vessel or aircraft on which he arrived when required to do so by an immigration officer, shall pay to the Commissioner the sum of $3,000 for each alien stowaway, in respect of whom any such failure occurs.”

Pub. L. 103–416, § 209(a)(1), which directed that subsec. (d) be amended by substituting “a fine of $3,000” for “the sum of $3000”, was executed in the first sentence by making the substitution for “the sum of $3000”, to “the sum of $3000”, was executed in the first sentence by making the substitution for “the sum of $3000”, to “the sum of $3000”, was executed in the first sentence by making the substitution for “the sum of $3000”, to “the sum of $3000”, was executed in the first sentence by making the substitution for “the sum of $3000”, to “the sum of $3000”, was executed in the first sentence by making the substitution for “the sum of $3000”, to “the sum of $3000”, was executed in the first sentence by making the substitution for “the sum of $3000”, to “the sum of $3000”, was executed in the first sentence by making the substitution for “the sum of $3000”, to “the sum of $3000”, was executed in the first sentence by making the substitution for “the sum of $3000”, to “the sum of $3000”, was executed in the first sentence by making the substitution for “the sum of $3000”, to “the sum of $3000”, was executed in the first sentence by making the substitution for “the sum of $3000”, to “the sum of $3000”, was executed in the first sentence by making the substitution for “the sum of $3000”, to “the sum of $3000”, was executed in the first sentence by making the substitution for “the sum of $3000”, to “the sum of $3000”, was executed in the first sentence by making the substitution for “the sum of $3000”, to “the sum of $3000”, was executed in the first sentence by making the substitution for “the sum of $3000”, to “the sum of $3000”, was executed in the first sentence by making the substitution for “the sum of $3000”, to “the sum of $3000”, was executed in the first sentence by making the substitution for “the sum of $3000”, to “the sum of $3000”, was executed in the first sentence by making the substitution for “the sum of $3000”, to “the sum of $3000”, was executed in the first sentence by making the substitution for “the sum of $3000”, to “the sum of $3000”, was executed in the first sentence by making the substitution for “the sum of $3000”, to “the sum of $3000”, was executed in the first sentence by making the substitution for “the sum of $3000”, to “the sum of $3000”, was executed in the first sentence by making the substitution for “the sum of $3000”, to “the sum of $3000”, was executed in the first sentence by making the substitution for “the sum of $3000”, to “the sum of $3000”, was executed in the first sentence by making the substitution for “the sum of $3000”, to “the sum of $3000”, was executed in the first sentence by making the substitution for “the sum of $3000”, to “the sum of $3000”, was executed in the first sentence by making the substitution for “the sum of $3000”, to “the sum of $3000”, was executed in the first sentence by making the substitution for “the sum of $3000”, to “the sum of $3000”, was executed in the first sentence by making the substitution for “the sum of $3000”, to “the sum of $3000”, was executed in the first sentence by making the substitution for “the sum of $3000”, to “the sum of $3000”, was executed in the first sentence by making the substitution for “the sum of $3000”, to “the sum of $3000”, was executed in the first sentence by making the substitution for “the sum of $3000”, to “the sum of $3000”, was executed in the first sentence by makingconst}}

Effective Date of 1996 Amendment

Amendment by section 371(d)(1) of Pub. L. 104–208, set out as a note under section 1101 of this title.

Amendment by section 543(c) of Pub. L. 101–649, set out as a note under section 1101 of this title.
shall be punished as provided in subparagraph (B).

(B) A person who violates subparagraph (A) shall, for each alien in respect to whom such a violation occurs—
(i) in the case of a violation of subparagraph (A)(i) or (v)(I) or in the case of a violation of subparagraph (A)(ii), (iii), or (iv) in which the offense was done for the purpose of commercial advantage or private financial gain, be fined under title 18, imprisoned not more than 10 years, or both;
(ii) in the case of a violation of subparagraph (A)(i), (iii), (iv), or (v)(II) during and in relation to which the person causes serious bodily injury (as defined in section 1365 of title 18) to, or places in jeopardy the life of, any person, be fined under title 18, imprisoned not more than 20 years, or both; and
(iii) in the case of a violation of subparagraph (A)(ii), (iii), (iv), or (v) resulting in the death of any person, be punished by death or imprisoned for any term of years or for life, fined under title 18, or both.

(C) It is not a violation of clauses (ii) or (iii) of subparagraph (A), or of clause (iv) of subparagraph (A) except where a person encourages or induces an alien to come to or enter the United States, for a religious denomination having a bona fide nonprofit, religious organization in the United States, or the agents or officers of such denomination or organization, to encourage, invite, call, allow, or enable an alien who is present in the United States to perform the vocation of a minister or missionary for the denomination or organization in the United States as a volunteer who is not compensated as an employee, notwithstanding the provision of room, board, travel, medical assistance, and other basic living expenses, provided the minister or missionary has been a member of the denomination for at least one year.

(2) Any person who, knowing or in reckless disregard of the fact that an alien has not received prior official authorization to come to, enter, or reside in the United States, brings to or attempts to bring to the United States in any manner whatsoever, such alien, regardless of any official action which may later be taken with respect to such alien shall, for each alien in respect to whom a violation of this paragraph occurs—
(A) be fined in accordance with title 18 or imprisoned not more than one year, or both; or
(B) in the case of—
(i) an offense committed with the intent or with reason to believe that the alien unlawfully brought into the United States will commit an offense against the United States or any State punishable by imprisonment for more than 1 year.
(ii) an offense done for the purpose of commercial advantage or private financial gain, or

(3) Prima facie evidence in determinations of violations

In determining whether a violation of subsection (a) of this section has occurred, any of the following shall be prima facie evidence that an alien involved in the alleged violation had not received prior official authorization to come to, enter, or reside in the United States or that such alien had come to, entered, or remained in the United States in violation of law:

(A) Records of any judicial or administrative proceeding in which that alien’s status
was an issue and in which it was determined that the alien had not received prior official authorization to come to, enter, or reside in the United States or that such alien had come to, entered, or remained in the United States in violation of law.

(B) Official records of the Service or of the Department of State showing that the alien had not received prior official authorization to come to, enter, or reside in the United States or that such alien had come to, entered, or remained in the United States in violation of law.

(C) Testimony, by an immigration officer having personal knowledge of the facts concerning that alien’s status, that the alien had not received prior official authorization to come to, enter, or reside in the United States or that such alien had come to, entered, or remained in the United States in violation of law.

(c) Authority to arrest

No officer or person shall have authority to make any arrests for a violation of any provision of this section except officers and employees of the Service designated by the Attorney General, either individually or as a member of a class, and all other officers whose duty it is to enforce criminal laws.

(d) Admissibility of videotaped witness testimony

Notwithstanding any provision of the Federal Rules of Evidence, the videotaped (or otherwise audiovisually preserved) deposition of a witness to a violation of subsection (a) of this section who has been deported or otherwise expelled from the United States, or is otherwise unable to testify, may be admitted into evidence in an action brought for that violation if the witness was available for cross examination and the deposition otherwise complies with the Federal Rules of Evidence.

(e) Outreach program

The Secretary of Homeland Security, in consultation with the Attorney General and the Secretary of State, as appropriate, shall develop and implement an outreach program to educate the public in the United States and abroad about the penalties for bringing in and harboring aliens in violation of this section.


REFERENCES IN TEXT

The Federal Rules of Evidence, referred to in subsec. (d), are set out in the Appendix to Title 28, Judiciary and Judicial Procedure.

AMENDMENTS


Subsec. (a)(1)(A)(v). Pub. L. 104–208, § 203(b)(1), which directed the amendment of subsec. (a)(1)(A) by adding cl. (v) at end, was executed by adding cl. (v) after cl. (iv), to reflect the probable intent of Congress.

Subsec. (a)(1)(B)(i). Pub. L. 104–208, § 203(a)(4), (b)(2)(A), inserted “or (v)(i) or in the case of a violation of subparagraph (A)(ii), (iii), or (iv) in which the offense was done for the purpose of commercial advantage or private financial gain” after “paragraph (A)(i)”.

Subsec. (a)(1)(B)(ii). Pub. L. 104–208, § 203(b)(2)(B), substituted “(iv), or (v)(ii)” for “(iv)”. Subsec. (a)(1)(B)(iii), (iv). Pub. L. 104–208, § 203(b)(2)(C), (D), substituted “(iv), or (v)” for “(iv)”. Subsec. (a)(2). Pub. L. 104–208, § 203(d), substituted “for each alien in respect to whom a violation of this paragraph occurs” for “for each transaction constituting a violation of this paragraph, regardless of the number of aliens involved” in introductory provisions. Subsec. (a)(2)(B). Pub. L. 104–208, § 203(b)(3), in concluding provisions, substituted “be fined under title 18 and shall be imprisoned, in the case of a first or second violation of subparagraph (B)(ii), not more than 10 years, in the case of a first or second violation of subparagraph (B)(i) or (B)(ii), not less than 3 nor more than 10 years, and for any other violation, not less than 5 nor more than 15 years,” for “be fined in accordance with title 18 or in the case of a violation of subparagraph (B)(ii), imprisoned not more than 10 years, or both; or in the case of a violation of subparagraph (B)(i) or (B)(iii), imprisoned not more than 5 years, or both,”. Subsec. (a)(2)(B)(i). Pub. L. 104–208, § 203(c), amended cl. (i) generally. Prior to amendment, cl. (i) read as follows: “a second or subsequent offense.” Subsec. (a)(3). Pub. L. 104–208, § 203(b)(4), added par. (3).


1994—Subsec. (a)(1). Pub. L. 99–603, § 112(a), amended subsec. (a), as amended by Pub. L. 104–208, § 671(a)(1), substituted “be punished as provided in subparagraph (B)” for “shall be fined in accordance with title 18, United States Code, or imprisoned not more than five years, or both, for each alien in respect to whom any violation of this paragraph occurs” in concluding provisions. Subsec. (a)(2)(B). Pub. L. 104–208, § 60024(1)(A)–(E), (G), designated existing provisions of par. (1) as subpar. (A) of par. (1), redesignated subpar. (A) to (D) of former par. (1) as cl. (i) to (iv), respectively, of subpar. (A), and added subpar. (B).

Subsec. (a)(2)(B). Pub. L. 103–322, § 60024(2), in concluding provisions, substituted “or in the case of a violation of subparagraph (B)(ii), imprisoned not more than 10 years, or both; or in the case of a violation of subparagraph (B)(i) or (B)(iii), imprisoned not more than 5 years, or both,” for “or imprisoned not more than five years, or both”. 1988—Subsec. (a)(1). Pub. L. 100–525, § 2(d)(1), in closing provisions substituted “or imprisoned” for “imprisoned” and “this paragraph” for “this subsection”.


1986—Subsec. (a). Pub. L. 99–603, § 112(a), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “Any person, including the owner, operator,
pilot, master, commanding officer, agent, or consignee of any means of transportation who—

"(1) brings into or lands in the United States, by any means of transportation or otherwise, or attempts, by himself or through another, to bring into or land in the United States, by any means of transportation or otherwise;

"(2) knowing that he is in the United States in violation of law, and knowing or having reasonable grounds to believe that his last entry into the United States occurred less than three years prior thereto, transports, or moves, or attempts to transport or move, within the United States by means of transportation or otherwise, in furtherance of such violation of law;

"(3) willfully or knowingly conceals, harbors, or shields from detection, or attempts to conceal, harbors, or shield from detection, in any place, including any building or any means of transportation; or

"(4) willfully or knowingly encourages or induces, or attempts to encourage or induce, either directly or indirectly, the entry into the United States of—

any alien, including an alien crewman, not duly admitted by an immigration officer or not lawfully entitled to enter or reside within the United States under the terms of this chapter or any other law relating to the immigration or expulsion of aliens, shall be guilty of a felony, and upon conviction thereof shall be punished by a fine not exceeding $2,000 or by imprisonment for a term not exceeding five years, or both, for each alien in respect to whom any violation of this subsection occurs: Provided, however, That for the purposes of this section, employment (including the usual and normal practices incident to employment) shall not be deemed to constitute harboring.

Subsec. (b)(1). Pub. L. 99–603, §112(b)(1), (2), substituted "has been or is being used" for "is used" and "and seized and subject to" for "subject to seizure and" in provisions preceding subpar. (A).

Subsec. (b)(2). Pub. L. 99–603, §112(b)(3), inserted "or is being" after "has been".

Subsec. (b)(3). Pub. L. 99–603, §112(b)(4), substituted "property" for "conveyances".

Subsec. (b)(4)(C). Pub. L. 99–603, §112(b)(5), as amended by Pub. L. 100–525, §2(d)(2)(A), inserted ": or the Maritime Administration if appropriate under section 848(1) of title 40,".


Subsec. (b)(5). Pub. L. 99–603, §112(b)(7)–(9), as amended by Pub. L. 100–525, §2(d)(2)(B), substituted "except that" for "Provided, That" in provisions preceding subpar. (A), substituted "had not received prior official authorization to come to, enter, or reside in the United States or that such alien had come to, entered, or remained in the United States in violation of law" for "was not lawfully entitled to enter, or reside within, the United States" wherever appearing, inserted ": or the Department of State" in subpar. (B), and substituted "had not received prior official authorization to come to, enter, or reside in the United States or that such alien had come to, entered, or remained in the United States in violation of law" for "was not entitled to enter, or reside within, the United States" in subpar. (C).

1981—Subsec. (b), Pub. L. 97–116 strengthened the seizure and forfeiture authority by striking out the "innocent owner" exemption and merely requiring the Government to show probable cause that the conveyance seized has been used to illegally transport aliens, which when demonstrated, shifts the burden of proof to the owner or claimant to show by a preponderance of the evidence that the conveyance was not illegally used, by relieving the Government of the obligation to pay any administrative and incidental costs incurred by a successful claimant provided probable cause for the original seizure was demonstrated, and by striking out the requirement that the Government satisfy any valid lien or third party interest in the conveyance without expense to the interest holder by providing the lienholders interest be satisfied only after costs associated with the seizure have been deducted.

1978—Subsecs. (b), (c). Pub. L. 95–582 added subsec. (b) and redesignated former subsec. (b) as (c).

**Effective Date of 2000 Amendment**

Pub. L. 106–185, §21, Apr. 25, 2000, 114 Stat. 225, provided that: "Except as provided in section 14(c) [set out as an Effective Date note under section 202 of title 25, Judiciary and Judicial Procedure], this Act [see Short Title of 2000 Amendment note set out under section 981 of Title 18, Crimes and Criminal Procedure] and the amendments made by this Act shall apply to any forfeiture proceeding commenced on or after the date that is 120 days after the date of the enactment of this Act [Apr. 25, 2000]."

**Effective Date of 1996 Amendment**

Section 203(i) of div. C of Pub. L. 104–208 provided that: "This section (amending this section and enacting provisions set out as a note under section 994 of Title 18, Crimes and Criminal Procedure) and the amendments made by this section shall apply with respect to offenses occurring on or after the date of the enactment of this Act [Sept. 30, 1996]." Amendment by section 671(a)(1) of Pub. L. 104–208 effective as if included in the enactment of the Violent Crime Control and Law Enforcement Act of 1994, Pub. L. 103–222, see section 671(a)(7) of Pub. L. 104–208, set out as a note under section 1101 of this title.

**Effective Date of 1988 Amendment**


**Effective Date of 1981 Amendment**


**Abolition of Immigration and Naturalization Service and Transfer of Functions**

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of this title.

§ 1324a. Unlawful employment of aliens

(a) Making employment of unauthorized aliens unlawful

(1) In general

It is unlawful for a person or other entity—

(A) to hire, or to recruit or refer for a fee, for employment in the United States an alien knowing the alien is an unauthorized alien (as defined in subsection (b)(3) of this section) with respect to such employment, or

(B)(i) to hire for employment in the United States an individual without complying with the requirements of subsection (b) of this section or (ii) if the person or entity is an agricultural association, agricultural employer, or farm labor contractor (as defined in section 1802 of title 29), to hire, or to recruit or refer for a fee, for employment in the United States an individual without complying with the requirements of subsection (b) of this section.

(2) Continuing employment

It is unlawful for a person or other entity, after hiring an alien for employment in ac-