

tion 544(d) of Pub. L. 101-649, as amended, set out as an Effective Date of 1990 Amendment note under section 1227 of this title.

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.

§ 1324d. Civil penalties for failure to depart

(a) In general

Any alien subject to a final order of removal who—

- (1) willfully fails or refuses to—
 - (A) depart from the United States pursuant to the order,
 - (B) make timely application in good faith for travel or other documents necessary for departure, or
 - (C) present for removal at the time and place required by the Attorney General; or
- (2) conspires to or takes any action designed to prevent or hamper the alien's departure pursuant to the order,

shall pay a civil penalty of not more than \$500 to the Commissioner for each day the alien is in violation of this section.

(b) Construction

Nothing in this section shall be construed to diminish or qualify any penalties to which an alien may be subject for activities proscribed by section 1253(a) of this title or any other section of this chapter.

(June 27, 1952, ch. 477, title II, ch. 8, § 274D, as added Pub. L. 104-208, div. C, title III, § 380(a), Sept. 30, 1996, 110 Stat. 3009-650.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (b), was in the original, "this Act", meaning act June 27, 1952, ch. 477, 66 Stat. 163, known as the Immigration and Nationality Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1101 of this title and Tables.

EFFECTIVE DATE

Pub. L. 104-208, div. C, title III, § 380(c), Sept. 30, 1996, 110 Stat. 3009-650, provided that: "The amendment made by subsection (a) [enacting this section] shall apply to actions occurring on or after the title III-A effective date (as defined in section 309(a) of this division [set out as a note under section 1101 of this title])."

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REFERENCES TO ORDER OF REMOVAL DEEMED TO
INCLUDE ORDER OF EXCLUSION AND DEPORTATION

For purposes of carrying out this chapter, any reference in law to an order of removal is deemed to include a reference to an order of exclusion and deportation or an order of deportation, see section 309(d)(2) of Pub. L. 104-208, set out in an Effective Date of 1996 Amendments note under section 1101 of this title.

§ 1325. Improper entry by alien

(a) Improper time or place; avoidance of examination or inspection; misrepresentation and concealment of facts

Any alien who (1) enters or attempts to enter the United States at any time or place other than as designated by immigration officers, or (2) eludes examination or inspection by immigration officers, or (3) attempts to enter or obtains entry to the United States by a willfully false or misleading representation or the willful concealment of a material fact, shall, for the first commission of any such offense, be fined under title 18 or imprisoned not more than 6 months, or both, and, for a subsequent commission of any such offense, be fined under title 18, or imprisoned not more than 2 years, or both.

(b) Improper time or place; civil penalties

Any alien who is apprehended while entering (or attempting to enter) the United States at a time or place other than as designated by immigration officers shall be subject to a civil penalty of—

- (1) at least \$50 and not more than \$250 for each such entry (or attempted entry); or
- (2) twice the amount specified in paragraph (1) in the case of an alien who has been previously subject to a civil penalty under this subsection.

Civil penalties under this subsection are in addition to, and not in lieu of, any criminal or other civil penalties that may be imposed.

(c) Marriage fraud

Any individual who knowingly enters into a marriage for the purpose of evading any provision of the immigration laws shall be imprisoned for not more than 5 years, or fined not more than \$250,000, or both.

(d) Immigration-related entrepreneurship fraud

Any individual who knowingly establishes a commercial enterprise for the purpose of evading any provision of the immigration laws shall be imprisoned for not more than 5 years, fined in accordance with title 18, or both.

(June 27, 1952, ch. 477, title II, ch. 8, § 275, 66 Stat. 229; Pub. L. 99-639, § 2(d), Nov. 10, 1986, 100 Stat. 3542; Pub. L. 101-649, title I, § 121(b)(3), title V, § 543(b)(2), Nov. 29, 1990, 104 Stat. 4994, 5059; Pub. L. 102-232, title III, § 306(c)(3), Dec. 12, 1991, 105 Stat. 1752; Pub. L. 104-208, div. C, title I, § 105(a), Sept. 30, 1996, 110 Stat. 3009-556.)

AMENDMENTS

1996—Subsecs. (b) to (d), Pub. L. 104-208 added subsec. (b) and redesignated former subsecs. (b) and (c) as (c) and (d), respectively.

1991—Subsec. (a), Pub. L. 102-232 substituted "fined under title 18" for "fined not more than \$2,000 (or, if greater, the amount provided under title 18)".

1990—Subsec. (a), Pub. L. 101-649, § 543(b)(2), inserted "or attempts to enter" after "(1) enters" and "attempts to enter or" after "or (3)", and substituted "shall, for the first commission of any such offense, be fined not more than \$2,000 (or, if greater, the amount provided under title 18) or imprisoned not more than 6 months, or both, and, for a subsequent commission of any such offense, be fined under title 18, or imprisoned not more than 2 years" for "shall, for the first commission of any such offenses, be guilty of a misdemeanor