within 30 days of the date of such a modification or vacat-
on (or within 60 days of the date of decision and order) of an
administrative law judge if not so modified or vacated the de-
cision and order is referred to the Attorney General pursuant to
regulations for “unless, within 30 days, the Attorney General
modifies or vacates the decision and order.”  
Subsec. (d)(7). Pub. L. 104–208, § 308(g)(10)(D), sub-
stituted “withholding of removal under section 1231(b)(3) of
this title” for “withholding of deportation under section 1235(b)
of this title”.  

Pub. L. 104–208, § 212(b), added subsec. (e).  
Subsec. (g). Pub. L. 104–208, added subsec. (g).  

224 of title 18” for “title V of the Organized Crime

1991—Subsec. (a)(2) to (4). Pub. L. 102–232 inserted “or
to provide” after “receive” in pars. (2) and (4) and “or
to provide or attempt to provide” after “attempt to use” in 
(par. (3).

Statutory Notes and Related Subsidiaries

Effective Date of 1996 Amendment  
Pub. L. 104–208, div. C, title II, § 212(e), Sept. 30, 1996,
110 Stat. 3009–571, provided that: “Section 274A(f) of the
Immigration and Nationality Act (8 U.S.C. 1324C(f)), as
added by subsection (b), applies to the preparation of
applications before, on, or after the date of the enact-
ment of this Act [Sept. 30, 1996].”

Amendment by section 308(g)(10)(D) of Pub. L. 104–208
effective, with certain transitional provisions, on the
first day of the first month beginning more than 180
days after Sept. 30, 1996, see section 309 of Pub. L. 
104–208, set out as a note under section 1325a of this
title.

Amendment by section 378(a) of Pub. L. 104–208 appli-
cable to orders issued on or after Sept. 30, 1996, see
section 378(b) of Pub. L. 104–208, set out as a note under
section 1325a of this title.

Effective Date of 1994 Amendment  
Amendment by Pub. L. 103–416 effective as if included in
L. 101–649, see section 219(d) of Pub. L. 103–416, set out
as a note under section 1101 of this title.

Effective Date of 1991 Amendment  
Amendment by Pub. L. 102–232 effective as if included in
L. 101–649, see section 310(1) of Pub. L. 102–232, set out
as a note under section 1101 of this title.

Effective Date  
Section applicable to persons or entities that have
committed violations on or after Nov. 29, 1990, see sec-
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.

References to Order of Removal Demu
To Include Order of Exclusion and Deportation

For purposes of carrying out this chapter, any re-
ference in law to an order of exclusion is deemed to in-
clude a reference to an order of exclusion and deporta-
ton 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 exam-
ination 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 designat-
ed by immigration officers, or (2) eludes examination or inspection by immi-
grant 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 commis-
sion of any such offense, be fined under title 18,
or imprisoned not more than 2 years, or both.
§ 1326

TITLE 8—ALIENS AND NATIONALITY

Page 398

(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, or fined in accordance with title 18, or both.

(Effective Date of 1991 Amendment)


Effective Date of 1990 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.

§ 1326. Reentry of removed aliens

(a) In general

Subject to subsection (b), any alien who—

(1) has been denied admission, excluded, deported, or removed or has departed the United States while an order of exclusion, deportation, or removal is outstanding; and thereafter

(2) enters, attempts to enter, or is at any time found in, the United States, unless (A) prior to his reembarkation at a place outside the United States or his application for admission from foreign contiguous territory, the Attorney General has expressly consented to such alien's reapplying for admission; or (B) with respect to an alien previously denied admission and removed, unless such alien shall establish that he was not required to obtain such advance consent under this chapter or any prior Act,

shall be fined not more than 5 years, or imprisoned for not more than 2 years, or both.

(b) Criminal penalties for reentry of certain removed aliens

Notwithstanding subsection (a), in the case of any alien described in such subsection—

(1) whose removal was subsequent to a conviction for commission of three or more misdemeanors involving drugs, crimes against the person, or both, or a felony (other than an aggravated felony), such alien shall be fined under title 18, imprisoned not more than 10 years, or both;

(2) whose removal was subsequent to a conviction for commission of an aggravated felony, such alien shall be fined under title 18, imprisoned not more than 20 years, or both;

(3) who has been excluded from the United States pursuant to section 1225(c) of this title because the alien was excludable under section 1182(a)(3)(B) of this title or who has been removed from the United States pursuant to the provisions of subchapter V, and who thereafter, without the permission of the Attorney General, enters the United States, or attempts