PRESENTED AT

43rd Annual Conference on Immigration and Nationality Law

October 24-25, 2019
Austin, TX

Key Criminal Statutes Implicated by Immigration

Richard A. Gump Jr.

43rd Annual Conference on Immigration & Nationality Law
Key Criminal Statutes Implicated by Immigration

Transporting, Harboring, or Inducing an Alien – 8 U.S.C. §1324

TRANSPORTING ALIENS INTO THE UNITED STATES:

Elements

1. Knowing that a person is an alien

2. Bringing or attempting to bring the alien

3. To the United States

4. At a place other than a port of entry or other authorized place

Criminal Penalty

- Imprisonment:
  - Maximum of 10 years
  - Maximum of 20 years if involving serious bodily injury or placing any person's life in jeopardy
  - Maximum of life in prison if violation results in death of any person.
- Fine:
  - Maximum of twice the gross pecuniary gain to the defendant or loss to another person
  - $250,000 maximum for an individual
  - $500,000 maximum for an organization

TRANSPORTATION WITHIN THE UNITED STATES:

Elements

1. Defendant transported an alien in the United States

2. Alien was in United States in violation of law

3. The Defendant knew this fact

4. Defendant knew or had reason to know that the alien's last entry into the United States was in the last three years

5. Defendant acted willfully in furtherance of the alien's violation of the law

Title search: Key Criminal Statutes Implicated by Immigration

Also available as part of the eCourse
[2019 eConference on Immigration and Nationality Law](#)

First appeared as part of the conference materials for the
43rd Annual Conference on Immigration and Nationality Law session
"When Worksite Enforcement Turns Criminal"