

18 USCS 1546

§ 1546. Fraud and misuse of visas, permits, and other documents

(a) Whoever, knowingly forges, counterfeits, alters, or falsely makes any immigrant or nonimmigrant visa, permit, border crossing card, alien registration receipt card, or other document prescribed by statute or regulation for entry into or as evidence of authorized stay or employment in the United States, or utters, uses, attempts to use, possesses, obtains, accepts, or receives any such visa, permit, border crossing card, alien registration receipt card, or other document prescribed by statute or regulation for entry into or as evidence of authorized stay or employment in the United States, knowing it to be forged, counterfeited, altered, or falsely made, or to have been procured by means of any false claim or statement, or to have been otherwise procured by fraud or unlawfully obtained; or

Whoever, except under direction of the Attorney General or the Commissioner of the Immigration and Naturalization Service, or other proper officer, knowingly possesses any blank permit, or engraves, sells, brings into the United States, or has in his control or possession any plate in the likeness of a plate designed for the printing of permits, or makes any print, photograph, or impression in the likeness of any immigrant or nonimmigrant visa, permit or other document required for entry into the United States, or has in his possession a distinctive paper which has been adopted by the Attorney General or the Commissioner of the Immigration and Naturalization Service for the printing of such visas, permits, or documents; or

Whoever, when applying for an immigrant or nonimmigrant visa, permit, or other document required for entry into the United States, or for admission to the United States personates another, or falsely appears in the name of a deceased individual, or evades or attempts to evade the immigration laws by appearing under an assumed or fictitious name without disclosing his true identity, or sells or otherwise disposes of, or offers to sell or otherwise dispose of, or utters, such visa, permit, or other document, to any person not authorized by law to receive such document; or

Whoever knowingly makes under oath, or as permitted under penalty of perjury under section 1746 of title 28, United States Code, knowingly subscribes as true, any false statement with respect to a material fact in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder, or knowingly presents any such application, affidavit, or other document which contains any such false statement or which fails to contain any reasonable basis in law or fact--

Shall be fined under this title or imprisoned not more than 25 years (if the offense was committed to facilitate an act of international terrorism (as defined in section 2331 of this title [18 USCS § 2331])), 20 years (if the offense was committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title [18 USCS § 929(a)])), 10 years (in the case of the first or second such offense, if the offense was not committed to facilitate such an act of international terrorism or a drug trafficking crime), or 15 years (in the case of any other offense), or both.

(b) Whoever uses--

- (1) an identification document, knowing (or having reason to know) that the document was not issued lawfully for the use of the possessor,
- (2) an identification document knowing (or having reason to know) that the document is false, or
- (3) a false attestation,

for the purpose of satisfying a requirement of section 274A(b) of the Immigration and Nationality Act [8 USCS § 1324a(b)], shall be fined under this title, imprisoned not more than 5 years, or both.

(c) This section does not prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a subdivision of a State, or of an intelligence agency of the United States, or any activity authorized under title V of the Organized Crime Control Act of 1970 (18 U.S.C. note prec. 3481). For purposes of this section, the term "State" means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

2.67A

**COUNTERFEITING IMMIGRATION
DOCUMENTS
18 U.S.C. § 1546(a)
(FIRST PARAGRAPH, FIRST CLAUSE)**

Title 18, United States Code, Section 1546(a), makes it a crime for anyone knowingly to forge [counterfeit] [alter] [falsely make] any immigrant or nonimmigrant visa [permit] [border crossing card] [alien registration receipt card] [document prescribed by statute or regulation for entry into or as evidence of authorized stay or employment in the United States].

For you to find the defendant guilty of this crime, you must be convinced that the government has proved each of the following beyond a reasonable doubt:

First: That the defendant knowingly forged [counterfeited] [altered] [falsely made] _____ (name document alleged in the indictment); and

Second: That _____ (name document alleged in the indictment) is an immigrant or nonimmigrant visa [permit] [border crossing card] [alien registration receipt card] [document prescribed by statute or regulation for entry into or as evidence of authorized stay or employment in the United States].

[Third: That the defendant forged [counterfeited] [altered] [falsely made] _____ (name document alleged in the indictment) to facilitate an act of international terrorism [a drug trafficking crime].]

Note

The offense carries enhanced maximum penalties if the defendant counterfeited the document to facilitate an act of international terrorism or a drug trafficking crime. If the indictment contains one of these enhancements, the trial judge should define "an act of international terrorism" or "a drug trafficking

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