EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104–208 applicable with respect to offenses occurring on or after Sept. 30, 1996, see section 211(c) of Pub. L. 104–208, set out as a note under section 1028 of this title.

## § 1545. Safe conduct violation

Whoever violates any safe conduct or passport duly obtained and issued under authority of the United States shall be fined under this title, imprisoned not more than 10 years, or both.

(June 25, 1948, ch. 645, 62 Stat. 771; Pub. L. 103–322, title XIII, § 130009(a)(3), title XXXIII, § 330016(1)(I), Sept. 13, 1994, 108 Stat. 2030, 2147.)

HISTORICAL AND REVISION NOTES

Based on section 251 of title 22, U.S.C., 1940 ed., Foreign Relations and Intercourse (R.S. 4062).

The punishment provision was rewritten to permit the alternative of a fine of not more than $2,000 or imprisonment, or both, instead of imprisonment and fine ''at the discretion of the court'', to conform with other sections embracing offenses of comparable gravity.

Minor changes were made in phraseology.

AMENDMENTS

1994—Pub. L. 103–322, § 330016(1)(I), which directed the amendment of this section by substituting ''under this title'' for ''not more than $2,000'', could not be executed because the words ''not more than $2,000'' did not appear in text subsequent to amendment by Pub. L. 103–322, § 130009(a)(3). See below.

Pub. L. 103–322, § 130009(a)(3), substituted ''under this title, imprisoned not more than 10 years'' for ''not more than $2,000 or imprisoned not more than three years''.

## § 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)), 20 years (if the offense was committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title)), 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, 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).[1] 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.

(June 25, 1948, ch. 645, 62 Stat. 771; June 27, 1952, ch. 477, title IV, § 402(a), 66 Stat. 275; Pub. L. 94–550, § 5, Oct. 18, 1976, 90 Stat. 2535; Pub. L. 99–603, title I, § 103(a), Nov. 6, 1986, 100 Stat. 3380; Pub. L. 100–525, § 2(c), Oct. 24, 1988, 102 Stat. 2610; Pub. L. 101–647, title XXXV, § 3550, Nov. 29, 1990, 104 Stat. 4926; Pub. L. 103–322, title XIII,

[1] See References in Text note below.

§ 130009(a)(4), (5), title XXXIII, § 330011(p), Sept. 13, 1994, 108 Stat. 2030, 2145; Pub. L. 104–208, div. C, title II, §§ 211(a)(2), 214, Sept. 30, 1996, 110 Stat. 3009–569, 3009–572; Pub. L. 104–294, title VI, § 607(m), Oct. 11, 1996, 110 Stat. 3512; Pub. L. 107–273, div. B, title IV, § 4002(a)(3), Nov. 2, 2002, 116 Stat. 1806.)

HISTORICAL AND REVISION NOTES

Based on section 220 of title 8, U.S.C., 1940 ed., Aliens and Nationality (May 26, 1924, ch. 190, § 22, 43 Stat. 165).

Words ''upon conviction thereof'' were omitted as surplusage since punishment can be imposed only after a conviction.

Fine of $10,000 was reduced to $2,000 to conform with sections embracing offences of comparable gravity.

Minor changes were made in phraseology.

REFERENCES IN TEXT

The immigration laws, referred to in subsec. (a), are classified generally to Title 8, Aliens and Nationality. See also section 1101(a)(17) of Title 8.

Section 274A(b) of the Immigration and Nationality Act, referred to in subsec. (b), is classified to section 1324a(b) of Title 8.

Title V of the Organized Crime Control Act of 1970, referred to in subsec. (c), is title V of Pub. L. 91–452, Oct. 15, 1970, 84 Stat. 933, which was set out as a note preceding section 3481 of this title, and was repealed by Pub. L. 98–473, title II, § 1209(b), Oct. 12, 1984, 98 Stat. 2163. See section 3521 et seq. of this title.

AMENDMENTS

2002—Subsec. (a). Pub. L. 107–273 substituted ''to facilitate'' for ''to facility'' in concluding par.

1996—Subsec. (a). Pub. L. 104–208 substituted ''which contains any such false statement or which fails to contain any reasonable basis in law or fact'' for ''containing any such false statement'' in fourth par. and ''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)), 20 years (if the offense was committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title)), 10 years (in the case of the first or second such offense, if the offense was not committed to facility such an act of international terrorism or a drug trafficking crime), or 15 years (in the case of any other offense)'' for ''imprisoned not more than 10 years'' in concluding par.

Subsec. (c). Pub. L. 104–294 inserted at end ''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.''

1994—Subsec. (a). Pub. L. 103–322, § 330011(p), amended directory language of Pub. L. 101–647, § 3550. See 1990 Amendment note below.

Pub. L. 103–322, § 130009(a)(4), substituted ''10 years'' for ''five years'' in concluding par.

Subsec. (b). Pub. L. 103–322, § 130009(a)(5), in concluding provisions, substituted ''under this title, imprisoned not more than 5 years'' for ''in accordance with this title, or imprisoned not more than two years''.

1990—Subsec. (a). Pub. L. 101–647, § 3550, as amended by Pub. L. 103–322, § 330011(p), substituted ''Shall be fined under this title'' for ''Shall be fined in accordance with this title'' in concluding par.

1988—Pub. L. 100–525 amended Pub. L. 99–603. See 1986 Amendment note below.

1986—Pub. L. 99–603, as amended by Pub. L. 100–525, substituted ''other documents'' for ''other entry documents'' in section catchline, designated existing provisions as subsec. (a), substituted ''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'' for ''or other document required for entry into the United States'' and for ''or document'' in first par., substituted ''in accordance with this title'' for ''not more than $2,000'' in concluding par., and added subsecs. (b) and (c).

1976—Pub. L. 94–550 inserted '', or as permitted under penalty of perjury under section 1746 of title 28, United States Code, knowingly subscribes as true,'' after ''Whoever knowingly makes under oath'' in fourth par.

1952—Act June 27, 1952, made section applicable to entry documents other than visas and permits.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by section 211(a)(2) of Pub. L. 104–208 applicable with respect to offenses occurring on or after Sept. 30, 1996, see section 211(c) of Pub. L. 104–208, set out as a note under section 1028 of this title.

EFFECTIVE DATE OF 1994 AMENDMENT

Section 330011(p) of Pub. L. 103–322 provided that the amendment made by that section is effective as of the date on which section 3550 of Pub. L. 101–647 took effect.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100–525 effective as if included in enactment of Immigration Reform and Control Act of 1986, Pub. L. 99–603, see section 2(s) of Pub. L. 100–525, set out as a note under section 1101 of Title 8, Aliens and Nationality.

TRANSFER OF FUNCTIONS

Functions vested by law in Attorney General, Department of Justice, or any other officer or any agency of that Department, with respect to the inspection at regular inspection locations at ports of entry of persons, and documents of persons, entering or leaving the United States, were to have been transferred to Secretary of the Treasury by 1973 Reorg. Plan No. 2, § 2, eff. July 1, 1973, 38 F.R. 15932, 87 Stat. 1091, set out in the Appendix to Title 5, Government Organization and Employees. The transfer was negated by section 1(a)(1), (b) of Pub. L. 93–253, Mar. 16, 1974, 88 Stat. 50, which repealed section 2 of 1973 Reorg. Plan No. 2, eff. July 1, 1973.

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 Title 8, Aliens and Nationality.

### § 1547. Alternative imprisonment maximum for certain offenses

Notwithstanding any other provision of this title, the maximum term of imprisonment that may be imposed for an offense under this chapter (other than an offense under section 1545)—

(1) if committed to facilitate a drug trafficking crime (as defined in 929(a)) is 15 years; and

(2) if committed to facilitate an act of international terrorism (as defined in section 2331) is 20 years.

(Added Pub. L. 103–322, title XIII, § 130009(a)(6), Sept. 13, 1994, 108 Stat. 2030.)

## CHAPTER 77—PEONAGE, SLAVERY, AND TRAFFICKING IN PERSONS

Sec.
1581. Peonage; obstructing enforcement.
1582. Vessels for slave trade.
1583. Enticement into slavery.
1584. Sale into involuntary servitude.
1585. Seizure, detention, transportation or sale of slaves.
1586. Service on vessels in slave trade.
1587. Possession of slaves aboard vessel.