

“(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 U.S.C. 1324a(b)), shall be fined under this title, imprisoned not more than 5 years, or both.

#### “§ 1547. Marriage fraud

“(a) EVASION OR MISREPRESENTATION.—Any person who—

“(1) knowingly enters into a marriage for the purpose of evading any provision of the immigration laws; or

“(2) knowingly misrepresents the existence or circumstances of a marriage—

“(A) in an application or document authorized by the immigration laws; or

“(B) during any immigration proceeding conducted by an administrative adjudicator (including an immigration officer or examiner, a consular officer, an immigration judge, or a member of the Board of Immigration Appeals),

shall be fined under this title, imprisoned not more than 10 years, or both.

“(b) MULTIPLE MARRIAGES.— Any person who—

“(1) knowingly enters into 2 or more marriages for the purpose of evading any immigration law; or

“(2) knowingly arranges, supports, or facilitates 2 or more marriages designed or intended to evade any immigration law, shall be fined under this title, imprisoned not more than 20 years, or both.

“(c) COMMERCIAL ENTERPRISE.—Any person who knowingly establishes a commercial enterprise for the purpose of evading any provision of the immigration laws shall be fined under this title, imprisoned for not more than 10 years, or both.

“(d) DURATION OF OFFENSE.—

“(1) IN GENERAL.—An offense under subsection (a) or (b) continues until the fraudulent nature of the marriage or marriages is discovered by an immigration officer.

“(2) COMMERCIAL ENTERPRISE.—An offense under subsection (c) continues until the fraudulent nature of the commercial enterprise is discovered by an immigration officer or other law enforcement officer.

#### “§ 1548. Attempts and conspiracies

“Any person who attempts or conspires to violate any section of this chapter shall be punished in the same manner as a person who completed a violation of that section.

#### “§ 1549. Alternative penalties 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—

“(1) if committed to facilitate a drug trafficking crime (as defined in 929(a)) is 20 years; and

“(2) if committed to facilitate an act of international terrorism (as defined in section 2331) is 25 years.

#### “§ 1550. Seizure and forfeiture

“(a) FORFEITURE.—Any property, real or personal, used to commit or facilitate the commission of a violation of any section of this chapter, the gross proceeds of such violation, and any property traceable to such property or proceeds, shall be subject to forfeiture.

“(b) APPLICABLE LAW.—Seizures and forfeitures under this section shall be governed by the provisions of chapter 46 relating to

civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security, the Secretary of State, or the Attorney General.

#### “§ 1551. Additional jurisdiction

“(a) IN GENERAL.—Any person who commits an offense under this chapter within the special maritime and territorial jurisdiction of the United States shall be punished as provided under this chapter.

“(b) EXTRATERRITORIAL JURISDICTION.—Any person who commits an offense under this chapter outside the United States shall be punished as provided under this chapter if—

“(1) the offense involves a United States passport or immigration document (or any document purporting to be such a document) or any matter, right, or benefit arising under or authorized by Federal immigration laws;

“(2) the offense is in or affects foreign commerce;

“(3) the offense affects, jeopardizes, or poses a significant risk to the lawful administration of Federal immigration laws, or the national security of the United States;

“(4) the offense is committed to facilitate an act of, international terrorism (as defined in section 2331) or a drug trafficking crime (as defined in section 929(a)(2)) that affects or would affect the national security of the United States;

“(5) the offender is a national of the United States or an alien lawfully admitted for permanent residence in the United States (as those terms are defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a))); or

“(6) the offender is a stateless person whose habitual residence is in the United States.

#### “§ 1552. Definitions

“As used in this chapter:

“(1) The term ‘falsely make’ means to prepare or complete an immigration document with knowledge or in reckless disregard of the fact that the document—

“(A) contains a statement or representation that is false, fictitious, or fraudulent;

“(B) has no basis in fact or law; or

“(C) otherwise fails to state a fact which is material to the purpose for which the document was created, designed, or submitted.

“(2) The term ‘application for a United States passport’ includes any document, photograph, or other piece of evidence attached to or submitted in support of the application.

“(3) The term ‘false statement or representation’ includes a personation or an omission.

“(4) The term ‘immigration document’—

“(A) means any application, petition, affidavit, declaration, attestation, form, visa, identification card, alien registration document, employment authorization document, border crossing card, certificate, permit, order, license, stamp, authorization, grant of authority, or other official document, arising under or authorized by the immigration laws of the United States; and

“(B) includes any document, photograph, or other piece of evidence attached to or submitted in support of an immigration document.

“(5) The term ‘immigration laws’ includes—

“(A) the laws described in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17));

“(B) the laws relating to the issuance and use of passports; and

“(C) the regulations prescribed under the authority of any law described in paragraphs (A) and (B).

“(6) The term ‘immigration proceeding’ includes an adjudication, interview, hearing, or review.

“(7) A person does not exercise ‘lawful authority’ if the person abuses or improperly exercises lawful authority the person otherwise holds.

“(8) The term ‘passport’ means—

“(A) a travel document attesting to the identity and nationality of the bearer that is issued under the authority of the Secretary of State, a foreign government, or an international organization; or

“(B) any instrument purporting to be a document described in subparagraph (A).

“(9) The term ‘to present’ means to offer or submit for official processing, examination, or adjudication. Any such presentation continues until the official processing, examination, or adjudication is complete.

“(10) The term ‘proceeds’ includes any property or interest in property obtained or retained as a consequence of an act or omission in violation of this section.

“(11) The term ‘produce’ means to make, prepare, assemble, issue, print, authenticate, or alter.

“(12) The term ‘State’ means a State of the United States, the District of Columbia, or any commonwealth, territory, or possession of the United States.

“(13) The ‘use’ of a passport or an immigration document referred to in section 1541(a), section 1543(b), section 1544, section 1546(a), and section 1546(b) of this chapter includes any officially authorized use; use to travel; use to demonstrate identity, residence, nationality, citizenship, or immigration status; use to seek or maintain employment; or use in any matter within the jurisdiction of the Federal government or of a State government.

#### “§ 1553. Authorized law enforcement activities

“Nothing in this chapter shall prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a political subdivision of a State, or an intelligence agency of the United States, or any activity authorized under title V of the Organized Crime Control Act of 1970 (84 Stat. 933).”

(b) PROTECTION FOR LEGITIMATE REFUGEES AND ASYLUM SEEKERS.—

(1) PROSECUTION GUIDELINES.—The Attorney General, in consultation with the Secretary of Homeland Security, shall develop binding prosecution guidelines for federal prosecutors to ensure that any prosecution of an alien seeking entry into the United States by fraud is consistent with the obligations of the United States under Article 31(1) of the Convention Relating to the Status of Refugees, done at Geneva July 28, 1951 (as made applicable by the Protocol Relating to the Status of Refugees, done at New York January 31, 1967 (19 UST 6223)).

(2) NO PRIVATE RIGHT OF ACTION.—The guidelines required by subparagraph (1), and any internal office procedures adopted pursuant thereto, are intended solely for the guidance of attorneys for the United States. This section, the guidelines required by subsection (a), and the process for determining such guidelines are not intended to, do not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative, civil, or criminal matter.

#### SEC. 209. INADMISSIBILITY AND REMOVAL FOR PASSPORT AND IMMIGRATION FRAUD OFFENSES.

(a) INADMISSIBILITY.—Section 212(a)(2)(A)(i) (8 U.S.C. 1182(a)(2)(A)(i)) is amended—

(1) in subclause (I), by striking ‘, or’ at the end and inserting a semicolon;