

118TH CONGRESS  
1ST SESSION

# H. R. 2436

To amend the Immigration and Nationality Act to expand penalties for illegal entry and presence.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 30, 2023

Mr. MORAN (for himself, Mr. ISSA, Mr. GOODEN of Texas, Mr. MOORE of Alabama, Ms. HAGEMAN, Mrs. MILLER of Illinois, Mr. SELF, and Mr. BIGGS) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend the Immigration and Nationality Act to expand penalties for illegal entry and presence.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Visa Overstays Pen-  
5 alties Act”.

6 **SEC. 2. EXPANDED PENALTIES FOR ILLEGAL ENTRY OR**  
7 **PRESENCE.**

8 Section 275 of the Immigration and Nationality Act  
9 (8 U.S.C. 1325) is amended—

1           (1) in subsection (a) by inserting after “for a  
2           subsequent commission of any such offense” the fol-  
3           lowing: “or if the alien was previously convicted of  
4           an offense under subsection (e)(1)”;

5           (2) in subsection (b)—

6           (A) in paragraph (1), by striking “at least  
7           \$50 and not more than \$250” and inserting “at  
8           least \$500 and not more than \$1,000”; and

9           (B) in paragraph (2), by inserting after  
10          “in the case of an alien who has been previously  
11          subject to a civil penalty under this subsection”  
12          the following: “or subsection (e)(2)”;

13          (3) by adding at the end the following:

14          “(e) VISA OVERSTAYS.—Any alien who was admitted  
15          as a nonimmigrant and who has failed to maintain the  
16          nonimmigrant status in which the alien was admitted or  
17          to which it was changed under section 248, or to comply  
18          with the conditions of any such status, for an aggregate  
19          of 10 days, has violated this subsection. An alien who has  
20          violated this subsection—

21                 “(1) shall—

22                         “(A) for the first commission of such a vio-  
23                         lation, be fined under title 18, United States  
24                         Code, or imprisoned not more than 6 months,  
25                         or both; and

1           “(B) for a subsequent commission of such  
2           a violation or if the alien was previously con-  
3           victed of an offense under subsection (a), be  
4           fined under such title 18, or imprisoned not  
5           more than 2 years, or both; and

6           “(2) in addition to, and not in lieu of, any pen-  
7           alty under paragraph (1) and any other criminal or  
8           civil penalties that may be imposed, shall be subject  
9           to a civil penalty of—

10           “(A) at least \$500 and not more than  
11           \$1,000 for each violation; or

12           “(B) twice the amount specified in sub-  
13           paragraph (A) in the case of an alien who has  
14           been previously subject to a civil penalty under  
15           this subsection or subsection (b).”.

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