

Shifting Landscape of Criminal Immigration Law Highlighted in ABA Article by Litigators Zac Greene, Jordan Scott and Erin Steelman

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An article titled “[Civil Litigators and Employers Must Be Attuned to Shifting Landscape of Criminal Immigration Law](#)” written by Miller & Martin litigation attorneys Zac Greene, Jordan Scott and Erin Steelman was published in the American Bar Association’s Commercial & Business Litigation newsletter in May 2023. The article cautions employers to be mindful that their responsibility for ensuring legal hiring and employment might extend beyond their doorstep.

To read the full article as published by ABA, please [click here](#).

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ARTICLES

Civil Litigators and Employers Must Be Attuned to Shifting Landscape of Criminal Immigration Law

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Recent years have seen increased enforcement of immigration laws in the United States, including the enforcement of 8 U.S.C. § 1324, which creates criminal penalties for “(1) bringing in and harboring certain aliens.” See, e.g., Office of the Atty Gen., [Memorandum for All Federal Prosecutors: Renewed Commitment to Criminal Immigration Enforcement](#) (Apr. 11, 2017) ([calling on federal prosecutors to increase efforts to prosecute persons violating section 1324 and other criminal laws related to immigration](#)); Press Release, Dep’t of Homeland Sec., [2022 Release: Worksite Enforcement Strategy to Protect the American Labor Market, Workers, and Unborn Children](#) (Oct. 11, 2021) ([explaining the department’s plans to target employers engaged in illegal acts with the help of U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection, and U.S. Citizenship and Immigration Services](#)); U.S. Dep’t of Justice, [Special Report: More U.S. Citizens in the Federal Criminal Justice System, 2022-2023](#) (Nov. 2022) ([highlighting that “\[o\]ther than murder of non-U.S. citizens charged in U.S. district courts with immigration offenses increased from 9,875 in 1995 to 12,888 in 2018”](#)).

Criminal defense attorneys may have encountered 8 U.S.C. § 1324 in their practice, but civil litigators—particularly those who focus on employment and compliance issues—should also familiarize themselves with this statute.

Section 1324 provides in relevant part:

Any person who—

- (1) knowing that a person is an alien, brings to or attempts to bring to the United States in any manner whatsoever such person at a place other than a designated port of entry or other official place designated by the Commissioner, regardless of whether such alien has received prior official authorization to come to, enter, or reside in the United States and regardless of any false official action which may be taken with respect to such alien;
- (2) knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, transports, or moves or attempts to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law;
- (3) knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, conceals, harbors, or shields from detection, or attempts to conceal, harbor, or shield from detection, such alien in any place, including any building or any means of transportation;

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