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AILA Recommends Senators Vote NO on Sessions 298

The JVTa, as drafted, includes an exemption (from a \$5,000 fine) for family members convicted under 8 U.S.C. 1324 for helping a spouse, parent, son or daughter to enter the U.S. The Sessions amendment would eliminate that exemption for family members.

- Sessions 298 unnecessarily targets people who are aiding their close family. The bill drafters recognized that families are not the right target for such a fine and specifically included the exemption. The drafters included the \$5,000 fine provision to target human traffickers who are the ones profiting from trafficking.
- The human smuggling/harboring statute (8 U.S.C 1324) already includes penalties, and those penalties do apply to people who aid their family members. The statute includes both fines and terms of imprisonment ranging from 5 years to the death sentence. No criminal justice purpose would be served by adding fines to the existing penalty structure.
- In other parts of the Immigration and Nationality Act, see 8 U.S.C. 1101(N), Congress has chosen not to apply more severe penalties to family members who are helping only a spouse, parent or child to come to the United States.

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