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The Tillis amendment (319) is overbroad and will hurt families who are aiding other family members

The Tillis Amendment adds severe immigration penalties for human trafficking violations, but it is drafted in an overbroad manner and covers non-human trafficking offenses. Tillis 319 requires the Department of Homeland Security (DHS) to revoke any immigration benefit and pursue enforcement, including expedited removal, against any alien convicted of “human trafficking or any conspiracy related to human trafficking.” Tillis 319 does not, however, define what human trafficking is or specify which offenses it covers. As a result, the severe penalties under Tillis 319 could be applied to a parent convicted of encouraging an unauthorized child to come to or stay in the U.S.

Existing federal criminal statutes (18 U.S.C. Chapter 77) already imposes heavy penalties for human trafficking related offenses. The Tillis amendment fails to specify which trafficking-related offenses in Chapter 77 are included in the amendment, or even whether other federal or state offenses might be included. Among the offenses listed under 18 U.S.C. Chapter 77 is document related offenses (18 U.S.C. 1597) as well as alien harboring and smuggling (8 U.S.C. 1324). The alien harboring statute punishes someone who aids or encourages an alien to come to or stay in the U.S.—including someone who is trying to help a parent, spouse or child. Such offenses should not constitute human trafficking.

The Tillis amendment should be rewritten to list the specific human trafficking offenses or the elements of the crimes that it covers. This will ensure that actual human trafficking crimes are targeted.

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