

112TH CONGRESS  
1ST SESSION

# S. 523

To provide for enhanced criminal penalties for individuals who file a SEVP certification petition under false pretenses.

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IN THE SENATE OF THE UNITED STATES

MARCH 9, 2011

Mr. SCHUMER (for himself, Mrs. FEINSTEIN, Mr. NELSON of Florida, Mrs. MCCASKILL, and Mr. TESTER) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To provide for enhanced criminal penalties for individuals who file a SEVP certification petition under false pretenses.

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. VISA FRAUD.**

4 (a) **CRIMINAL PENALTY.**—Chapter 75 of title 18,  
5 United States Code, is amended by adding at the end the  
6 following:

7 **“§ 1548. Filing of certification petition under false**  
8 **pretenses**

9 “Any person who knowingly, and for pecuniary gain,  
10 while representing himself or herself as a principal, officer,

1 or director of an educational institution, files a petition  
2 for certification or recertification with the Student and  
3 Exchange Visitor Program for attendance at such institu-  
4 tion of nonimmigrant students under subparagraph (F)(i)  
5 or (M)(i) of section 101(a)(15) of the Immigration and  
6 Nationality Act (8 U.S.C. 1101(a)(15)) under false pre-  
7 tenses, or attempts or conspires to do so, shall be fined  
8 under this title, imprisoned not more than 15 years, or  
9 both.”.

10 (b) CLERICAL AMENDMENT.—The table of sections  
11 for chapter 75 of title 18, United States Code, is amended  
12 by adding at the end the following:

“1548. Filing of certification petition under false pretenses.”.

13 **SEC. 2. SENTENCING GUIDELINES.**

14 Pursuant to its authority under section 994 of title  
15 28, United States Code, the United States Sentencing  
16 Commission shall amend the Federal Sentencing Guide-  
17 lines and policy statements to reflect the penalties applica-  
18 ble to persons convicted of violating section 1548 of title  
19 18, United States Code, as added by section 1.

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