

119TH CONGRESS
1ST SESSION

S. 1937

To amend section 275 of the Immigration and Nationality Act to expand penalties for illegal entry and unlawful presence.

IN THE SENATE OF THE UNITED STATES

JUNE 3, 2025

Mr. BANKS introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend section 275 of the Immigration and Nationality Act to expand penalties for illegal entry and unlawful 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 Overstay Pen-
5 alties Act of 2025”.

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 “or if the
2 alien was previously convicted of an offense under
3 subsection (e)(2)(A)” after “for a subsequent com-
4 mission of any such offense”;

5 (2) in subsection (b)—

6 (A) in paragraph (1), by striking “at least
7 \$50 and not more than \$250” and inserting
8 “not less than \$500 and not more than
9 \$1,000”; and

10 (B) in paragraph (2), by inserting “or sub-
11 section (e)(2)(B)” after “in the case of an alien
12 who has been previously subject to a civil pen-
13 alty under this subsection”; and

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

15 “(e) VISA OVERSTAYS.—

16 “(1) IN GENERAL.—An alien who was admitted
17 as a nonimmigrant has violated this paragraph if the
18 alien, for an aggregate of 10 days or more, has
19 failed—

20 “(A) to maintain the nonimmigrant status
21 in which the alien was admitted, or to which it
22 was changed under section 248, including com-
23 plying with the period of stay authorized by the
24 Secretary of Homeland Security in connection
25 with such status; or

1 “(B) to comply otherwise with the condi-
2 tions of such nonimmigrant status.

3 “(2) PENALTIES.—An alien who has violated
4 paragraph (1)—

5 “(A) shall—

6 “(i) for the first commission of such a
7 violation, be fined under title 18, United
8 States Code, or imprisoned not more than
9 6 months, or both; and

10 “(ii) for a subsequent commission of
11 such a violation, or if the alien was pre-
12 viously convicted of an offense under sub-
13 section (a), be fined under such title 18, or
14 imprisoned not more than 2 years, or both;
15 and

16 “(B) in addition to, and not in lieu of, any
17 penalty under subparagraph (A) and any other
18 criminal or civil penalties that may be imposed,
19 shall be subject to a civil penalty of—

20 “(i) not less than \$500 and not more
21 than \$1,000 for each violation; or

22 “(ii) twice the amount specified in
23 clause (i), in the case of an alien who has
24 been previously subject to a civil penalty

- 1 under this subparagraph or subsection
- 2 (b).”.

