**8.133 FRAUD—USE OR POSSESSION OF IMMIGRATION DOCUMENT**

**PROCURED BY FRAUD**

**(18 U.S.C. § 1546(a))**

The defendant is charged in [Count \_\_\_\_\_\_\_ of] the indictment with fraud in the [use] [misuse] of an immigration document in violation of Section 1546(a) of Title 18 of the United States Code. For the defendant to be found guilty of that charge, the government must prove each of the following elements beyond a reasonable doubt:

First, the defendant knowingly [[uttered] [used] [attempted to use] [possessed] [obtained] [accepted] [received]] [[an immigrant] [a non-immigrant]] [[visa] [permit] [border crossing card] [alien registration receipt card] [other document prescribed by statute or regulation for entry into or as evidence of authorized stay or employment in the United States]]; and

Second, the defendant knew the document [[to be [forged] [counterfeited] [altered] [falsely made]] [[to have been [procured by means of any false claim or statement] [otherwise procured by fraud] [unlawfully obtained]].

**Comment**

Use this instruction with respect to a crime charged under 18 U.S.C. § 1546(a), first paragraph, second clause. UseInstruction 8.132 (Fraud—Forged, Counterfeited, Altered, or Falsely Made Immigration Document) for an instruction as to a crime charged under 18 U.S.C. § 1546(a), first paragraph, first clause. Use Instruction 8.134 (Fraud—False Statement on Immigration Document), for an instruction as to a crime charged under 18 U.S.C. § 1546(a), fourth paragraph.

In *United States v. Krstic*, 558 F.3d 1010 (9th Cir. 2009), the Ninth Circuit held the first paragraph, second clause of the statute criminalizes both the possession of authentic immigration documents procured unlawfully and the possession of forged or other falsely made immigration documents.

The statute reaches documents that may be insufficient, in and of themselves, to

authorize entry into the United States, when they are plainly prescribed by law as a prerequisite thereof. *United States v. Ryan-Webster*, 353 F.3d 353, 361-62 (4th Cir. 2003).

Mistake or ignorance of the law is no defense to a charge of “knowingly . . . accept[ing], or receiv[ing]” forged documents in violation of 18 U.S.C. § 1546(a). *United States v. De Cruz*, 82 F.3d 856, 867 (9th Cir. 1996).