

SB 1718 AND “HUMAN SMUGGLING”: TRANSPORTING CERTAIN FOLKS WITHOUT IMMIGRATION STATUS INTO FLORIDA



Know The Law

It is a third-degree felony to knowingly and willfully **transport into the state of Florida** a person who you know or reasonably should know has entered the U.S. illegally and who has not been subsequently inspected by the federal government.

So, for example, if you cross the state line into Florida and someone in your car entered the United States in violation of law and was not subsequently inspected, you can now be charged with a felony. Violation of this provision is a second-degree felony if the person doing the transporting: (a) is transporting a minor, (b) commits five or more offenses under this statute in a single episode, or (c) has a prior conviction for this offense and commits it again.

It is not a crime to provide transportation within the state of Florida to anyone, regardless of their immigration status. So, for example, as long as you are not transporting a person *into the state of Florida*, there is no need to worry about carpools or giving rides to immigrant friends or family members.

It is not a crime to provide shelter, rent a home to, or live with folks who are undocumented and have never been inspected.

If you are stopped by law enforcement officials and asked about your immigration status or history or the immigration status or history of the individuals in your car, **you have the right to remain silent and can demand to speak with an attorney.**

Know Your Rights

This law doesn't define what it means for a person to be “inspected” or what provisions of federal law should be considered to assess whether an individual being transported did, or did not, enter in violation of federal law. So, it will be left up to law enforcement officials to decide who the law applies to without specific guidance from the law itself. Police could erroneously make arrests and prosecute individuals for transporting a person who is undocumented into the state, even though **the law specifically states that what matters is a person's manner of entry into the U.S. and whether they were “inspected” by the federal government, not their current immigration status.**

So, for example, if a car driver is arrested under SB 1718 for transporting a person who lacks lawful immigration status, but that person did not enter the United States in violation of federal law or was inspected by federal officials (because, for example, they had contact with immigration officials and were placed in immigration court proceedings), the person arrested would have a valid defense: they were not transporting an individual defined by SB 1718.

If you are transporting immigrants into the state of Florida—like family or friends—your safest option is to consult with a criminal or immigration lawyer before you travel so that you feel prepared, just in case.

Protect Yourself

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