



# Quick Facts

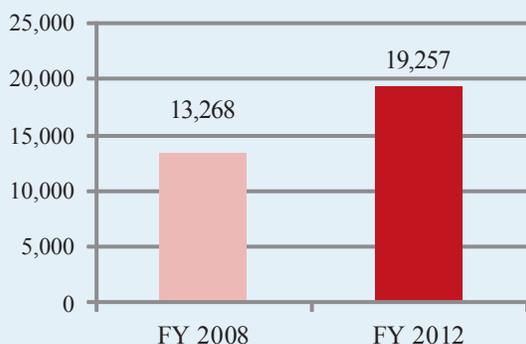
▶ THERE WERE 84,173 CASES REPORTED TO THE UNITED STATES SENTENCING COMMISSION IN FISCAL YEAR 2012.

▶ OF THESE CASES, 22,971 INVOLVED IMMIGRATION OFFENSES.<sup>1</sup>

▶ 83.8% OF IMMIGRATION OFFENSES INVOLVED ILLEGAL REENTRY.

## Illegal Reentry Offenses

**Number of Illegal Reentry Offenders**



**Top Five Districts  
Illegal Reentry Offenders  
FY 2012**

District of Arizona (N=3,873)
Western District of Texas (N=3,664)
Southern District of Texas (N=3,387)
District of New Mexico (N=1,907)
Southern District of California (N=1,339)

### Offender and Offense Characteristics

- In fiscal year 2012, most offenders convicted of illegal reentry were male (96.9%).
- The majority were Hispanic (92.0%) followed by White (7.0%), Black (0.9%) and Other Races (0.1%).
- The average age of these offenders at sentencing was 35 years.
- The most common Criminal History Category for these offenders was Category III (29.3%). The proportion of illegal reentry offenders in other Criminal History Categories are as follows:
  - ◆ 18.3% of these offenders are in Category I;
  - ◆ 22.7% are in Category II;
  - ◆ 16.2% are in Category IV;
  - ◆ 8.1% are in Category V;
  - ◆ and 5.4% are in Category VI.
- Illegal reentry sentences were increased in 74.7% of all cases because of the offender's criminal history pursuant to section 2L1.2 of the sentencing guidelines. The increases were:
  - ◆ four levels in 31.3% of these offenses;
  - ◆ eight levels in 10.1% of these offenses;
  - ◆ 12 levels in 8.5% of these offenses;
  - ◆ and 16 levels in 24.8% of these offenses.

### Punishment

- The majority of illegal reentry offenders were sentenced to imprisonment (98.5%) with the remainder sentenced to probationary sentences (1.5%).
- The average sentence length for illegal reentry offenders was 19 months.

<sup>1</sup> Immigration cases include cases with complete guideline application information sentenced under USSG §§2L1.1 (Smuggling, Transporting or Harboring and Unlawful Alien), 2L1.2 (Illegal Reentry), 2L2.1 (Trafficking in Documents Relating to Citizenship), 2L2.2 (Fraudulently Acquiring Documents Relating to Citizenship), and 2L2.5 (Failure to Surrender Canceled Naturalization Certificate).

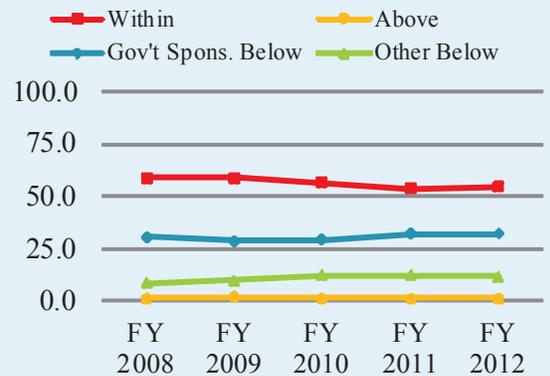
# Quick Facts

## Illegal Reentry Offenses

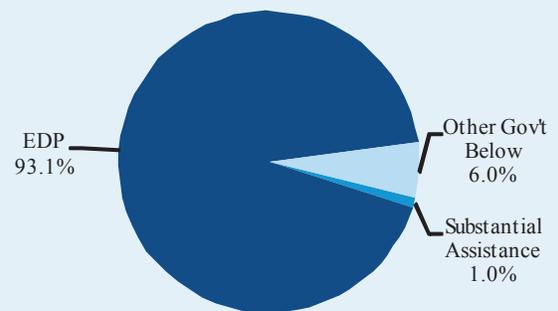
### Sentences Relative to the Guideline Range

- For each of the past five years, more than half of illegal reentry offenders were sentenced within the guideline range.
- Nearly one-third (32.0%) of illegal reentry offenders received a sentence below the applicable guideline range because the government sponsored the below range sentence in fiscal year 2012.
  - ◆ Early Disposition Program (EDP) departures were granted in 29.8% of illegal reentry cases.
    - ◇ These offenders received an average reduction of 34.8% in their sentence.
  - ◆ Other government sponsored below range sentences were imposed in approximately 1.9% of illegal reentry cases.
    - ◇ These offenders received an average reduction of 37.8% in their sentence.
- Non-government sponsored below range sentences were imposed in 8.7% of illegal reentry cases in fiscal year 2008, 12.4% in fiscal year 2010, and 11.8% in fiscal year 2012.
  - ◆ The average reduction for these offenders in fiscal year 2012 was 37.8%.
- The average sentence and the average guideline minimum for illegal reentry offenders have decreased for the past five years.
  - ◆ The average sentence decreased from 22 months in fiscal year 2008 to 19 months in fiscal year 2012;
  - ◆ The average guideline minimum decreased from 25 months in fiscal year 2008 to 22 months in fiscal year 2012.
    - ◇ Over the past five years, fewer illegal reentry offenders received a 16-level increase in their offense level based on criminal history (from 31.7% of all illegal reentry offenders in fiscal year 2008 to 24.8% in fiscal year 2012).
      - A greater percentage of illegal reentry offenders received the 4-level increase in their offense level (from 26.0% in fiscal year 2008 to 31.3% in fiscal year 2012).
    - ◇ Fewer illegal reentry offenders were also assigned to the highest Criminal History Category (from 9.4% in fiscal year 2008 to 5.4% in fiscal year 2012).
      - This corresponds with an increase in offenders assigned to the lowest Criminal History Category (from 16.2% in fiscal year 2008 to 18.3% in fiscal year 2012).

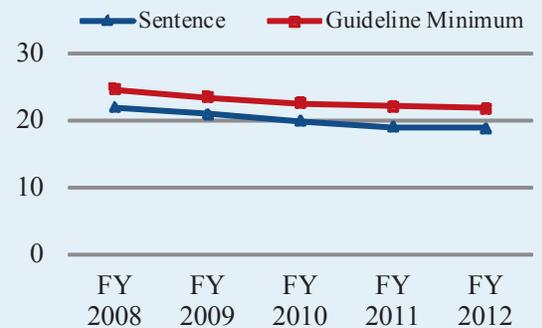
### Sentence Relative to the Guideline Range



### Government Sponsored Rates FY 2012



### Average Sentence and Average Guideline Minimum (in months)



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