



# Quick Facts

## — Illegal Reentry Offenses —

### Fiscal Year 2022

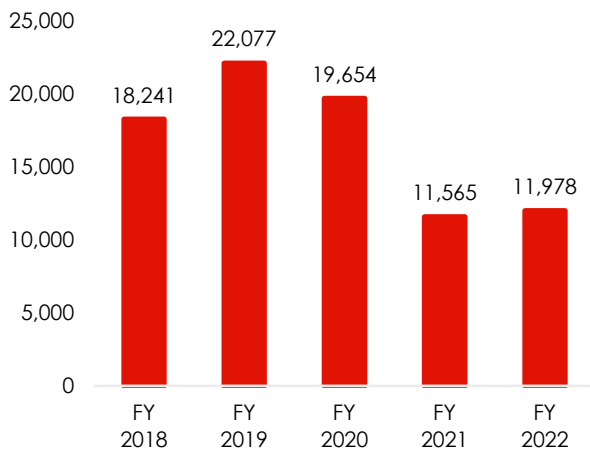
▶ IN FY 2022, 64,142 CASES WERE REPORTED TO THE U.S. SENTENCING COMMISSION.

▶ 16,779 OF THESE INVOLVED IMMIGRATION OFFENSES.<sup>1</sup>

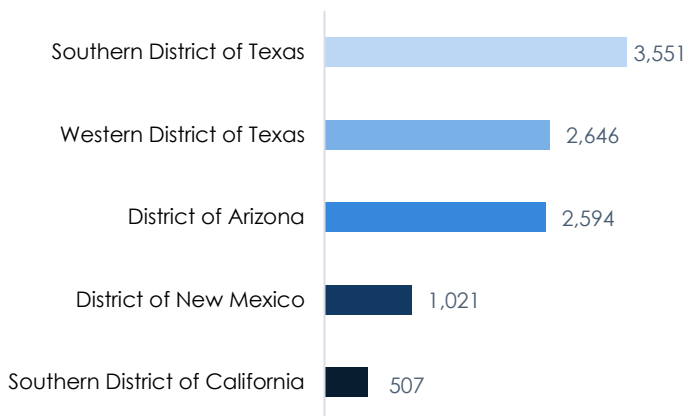
▶ 71.4% OF IMMIGRATION CASES INVOLVED ILLEGAL REENTRY.<sup>2</sup>

▶ ILLEGAL REENTRY OFFENSES HAVE DECREASED BY 34.3% SINCE FY 2018.

**Number of Illegal Reentry Offenders**



**Top Districts for Illegal Reentry Offenders<sup>3</sup>**



### Offender and Offense Characteristics

- Illegal reentry cases increased by 3.6% in fiscal year 2022.
- 97.6% of illegal reentry offenders were men.
- 99.0% were Hispanic, 0.5% were White, 0.4% were Black, and 0.1% were Other races.
- Their average age was 39 years.
- 22.9% had little or no prior criminal history (Criminal History Category I);
  - ◆ 28.7% were CHC II;
  - ◆ 27.8% were CHC III;
  - ◆ 12.2% were CHC IV;
  - ◆ 5.5% were CHC V;
  - ◆ 2.9% were CHC VI.
- For offenders sentenced under the 2016 *Guidelines Manual* or later:
  - ◆ 41.0% of offenders received sentencing enhancements for a previous illegal entry conviction:
    - ◇ 37.4% for a felony reentry offense;
    - ◇ 3.6% for two or more convictions for misdemeanor illegal entry.
  - ◆ 48.7% of offenders received sentencing enhancements for a previous felony conviction other than illegal reentry or three misdemeanor drug trafficking/crime of violence convictions:
    - ◇ 26.3% only received an enhancement for a conviction *before* the offender's first deportation;
    - ◇ 19.7% only received an enhancement for a conviction *after* the offender's first deportation;
    - ◇ 2.7% received enhancements for convictions *before and after* the offender's first deportation.
  - ◆ 51.3% received no enhancement for a previous non-illegal reentry felony conviction or three misdemeanor drug trafficking/crime of violence convictions.
- The top five districts where illegal reentry offenses comprised the highest proportion of the overall caseload were:
  - ◆ District of Arizona (59.7%);
  - ◆ Southern District of Texas (52.4%);
  - ◆ District of New Mexico (49.8%);
  - ◆ Western District of Texas (44.6%);
  - ◆ District of Delaware (20.3%).

### Punishment

- The average sentence for all illegal reentry offenders was 13 months.
- 99.3% were sentenced to prison.

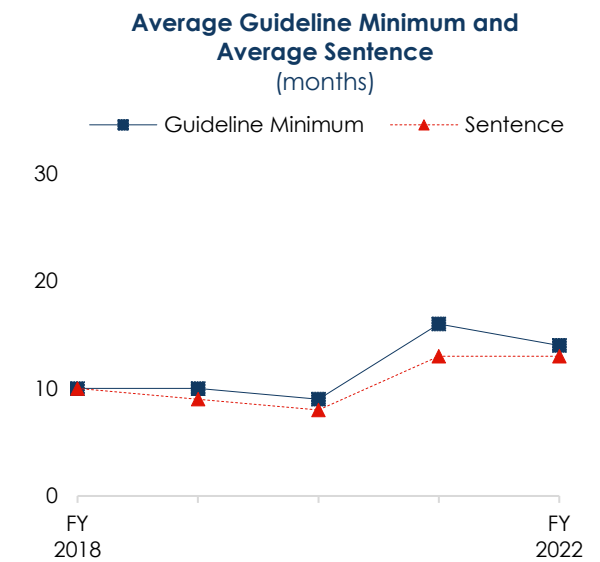
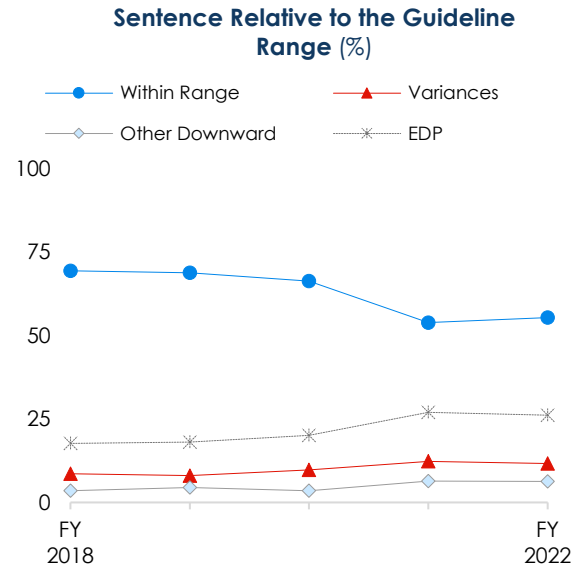


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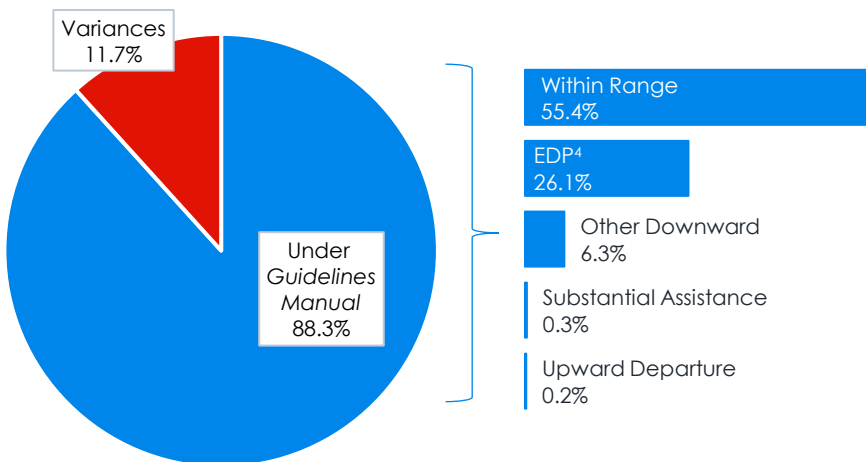
— **Illegal Reentry Offenses** —

**Sentences Relative to the Guideline Range**

- Of the 88.3% of illegal reentry offenders sentenced under the *Guidelines Manual*:
  - ◆ 62.8% were sentenced within the guideline range.
  - ◆ 29.6% received an Early Disposition Program (EDP) departure.<sup>4</sup>
    - ◇ Their average sentence reduction was 41.6%.
  - ◆ 7.1% received some other downward departure.
    - ◇ Their average sentence reduction was 42.4%.
- 11.7% received a variance; of those offenders:
  - ◆ 87.2% received a downward variance.
    - ◇ Their average sentence reduction was 37.9%.
  - ◆ 12.8% received an upward variance.
    - ◇ Their average sentence increase was 81.4%.
- The average guideline minimum and average sentence imposed fluctuated over the past five years.
  - ◆ The average guideline minimum increased and decreased throughout the fiscal years. The average guideline minimum was 10 months in fiscal year 2018 and 14 months in fiscal year 2022.
  - ◆ The average sentence imposed increased and decreased throughout the fiscal years. The average sentence was 10 months in fiscal year 2018 and 13 months in fiscal year 2022.



**Sentence Imposed Relative to the Guideline Range FY 2022**



<sup>1</sup> Immigration cases include cases sentenced under USSG §§2L1.1 (Smuggling, Transporting or Harboring an 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).

<sup>2</sup> Illegal reentry involves cases in which the court applied USSG §2L1.2 as the primary sentencing guideline.

<sup>3</sup> Cases with incomplete sentencing information were excluded from the analysis.

<sup>4</sup> "Early Disposition Program (or EDP) departures" are departures where the government sought a sentence below the guideline range because the defendant participated in the government's Early Disposition Program, through which cases are resolved in an expedited manner. See USSG §5K3.1.