



Quick Facts

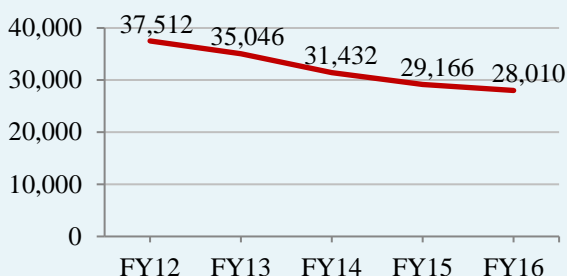
▶ THERE WERE 67,742 CASES REPORTED TO THE UNITED STATES SENTENCING COMMISSION IN FISCAL YEAR 2016.

▶ OF THESE CASES, 28,010 INVOLVED NON-UNITED STATES CITIZENS.

▶ NON-U.S. CITIZENS ACCOUNTED FOR 41.7% OF ALL OFFENDERS IN FISCAL YEAR 2016.

Non-U.S. Citizen Federal Offenders

Number of Non-U.S. Citizen Federal Offenders



Overall, the number of non-United States citizen offenders has decreased over the last five years, from 37,512 offenders in fiscal year 2012 to 28,010 in fiscal year 2016. Non-United States citizen offenders were mostly Hispanic, citizens of Mexico, and were sentenced in the districts along on the Southwest Border.

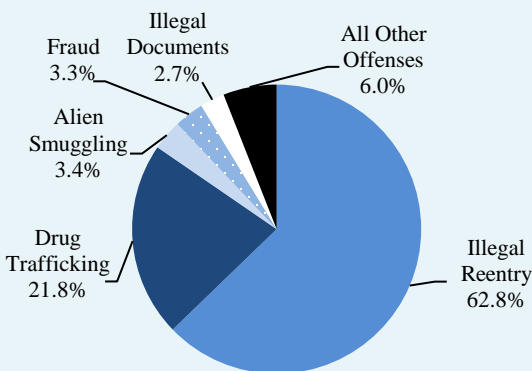
Offender and Offense Characteristics

- Hispanic offenders were the majority of non-U.S. citizens (93.6%), followed by Black (2.5%), White (2.3%), and Other (1.6%) offenders.
- Most non-U.S. citizen offenders were male (93.5%).
- The average age of these offenders at sentencing was 36 years.
- Most non-U.S. citizen offenders did not complete high school (77.1%), followed by high school graduates (14.1%), offenders with some college (6.2%), and college graduates (2.7%).
- Just under one-half (46.7%) of non-U.S. citizen offenders had little or no prior criminal history (*i.e.*, assigned to Criminal History Category I). The proportion of non-U.S. citizen offenders in other Criminal History Categories was as follows:
 - ◆ 17.7% of these offenders were in Category II;
 - ◆ 18.3% were in Category III;
 - ◆ 9.6% were in Category IV;
 - ◆ 4.5% were in Category V; and
 - ◆ 3.3% were in Category VI.
- Districts with the highest proportion of their overall caseload comprising non-U.S. citizen offenders were District of New Mexico (88.4%) followed by District of Arizona (76.7%), Southern District of Texas (72.5%), Western District of Texas (69.3%), and Southern District of California (52.8%) – all of which are districts on the Southwest Border.
- The immigration status for non-U.S. citizen offenders was illegal alien (85.4%), legal alien (10.7%), extradited alien (1.3%), and 2.7% who were non-U.S. citizens but their status was unknown.
- The majority of non-U.S. citizen offenders were citizens of Mexico (74.4%). The next most common countries of origin were Honduras (4.6%), Guatemala (3.9%), El Salvador (3.0%), and the Dominican Republic (2.6%).

Top Five Districts Non-U.S. Citizen Offenders FY2016

Southern District of Texas (N=4,692)
District of Arizona (N=4,417)
District of New Mexico (N=4,407)
Western District of Texas (N=4,309)
Southern District of California (N=1,496)

Most Common Guidelines¹ Non-U.S. Citizen Offenders FY 2016



¹ The most common guideline under which U.S. citizen offenders were sentenced include Drug Trafficking (§2D1.1; 36.4%), Fraud (§2B1.1; 16.7%), Firearms Possession (§2K2.1; 14.5%), Alien Smuggling (§2L1.1; 4.2%), and Possession of Child Pornography (§2G2.2; 4.1%).

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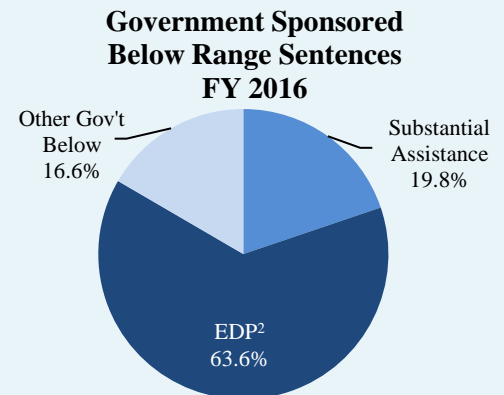
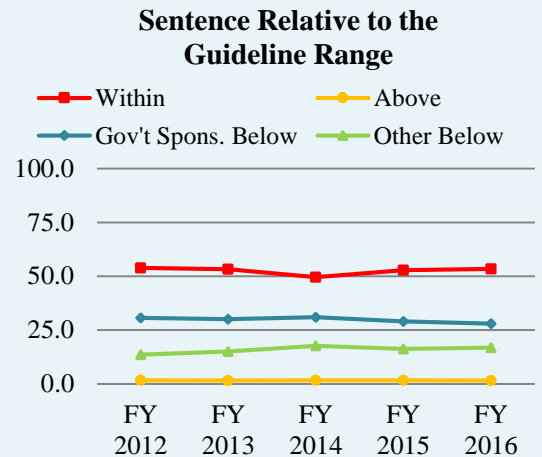
Non-U.S. Citizen Offenders

Punishment

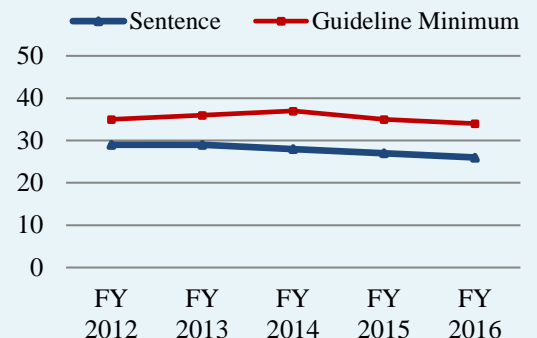
- The majority of non-U.S. citizen offenders were sentenced to imprisonment (97.0%).
- The average sentence length for non-U.S. citizen offenders was 26 months.
- Most non-U.S. citizen offenders were not convicted of an offense carrying a mandatory minimum penalty (88.2%).

Sentences Relative to the Guideline Range

- The percentage of non-U.S. citizen offenders sentenced within the guideline range has remained steady over the past five years, with 53.9% in fiscal year 2012 and 53.5% in fiscal year 2016.
- In 28.0% of non-U.S. citizen cases in fiscal year 2016, offenders received a sentence below the applicable guideline range because the government sponsored the below range sentence.
 - ◆ Substantial assistance departures were granted in 5.6% of cases involving non-U.S. citizens.
 - ◇ These offenders received an average reduction of about half off their sentence (50.7%).
 - ◆ Early Disposition Program (EDP) departures applied in 17.8% of non-U.S. citizen offenders.
 - ◇ These offenders received an average reduction of 47.0% in their sentence.
- The rate of non-government sponsored below range sentences for non-U.S. citizen offenders increased from 13.6% in fiscal year 2012 to 16.9% in fiscal year 2016.
 - ◆ These offenders received an average reduction of (40.1%) in their sentence.
- The average sentence and the average guideline minimum for non-U.S. citizen offenders have remained constant over the last five years.
 - ◆ The average sentence was 29 months in fiscal year 2012 and 26 months in fiscal year 2016;
 - ◆ The average guideline minimum was 35 months in fiscal year 2012 and 34 months in fiscal year 2016.



Average Sentence and Average Guideline Minimum (in months)



²“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.

