



# Quick Facts

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

▶ OF THESE CASES, 19,135 INVOLVED IMMIGRATION OFFENSES.<sup>1</sup>

▶ 12.7% OF IMMIGRATION CASES INVOLVED ALIEN SMUGGLING.<sup>2</sup>

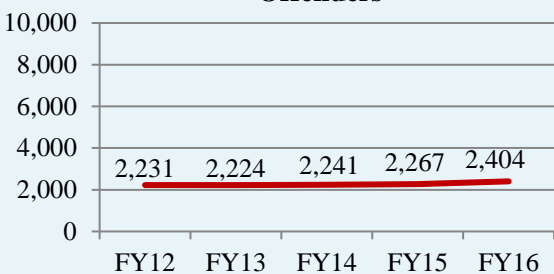
## Alien Smuggling Offenses

In fiscal year 2016, there were 2,404 offenders convicted of alien smuggling, accounting for 12.7% of all immigration offenders sentenced under the guidelines. In 11.2% of alien smuggling cases, an unaccompanied minor was smuggled.

### Offender and Offense Characteristics

- In fiscal year 2016, almost two-thirds of alien smuggling offenders were U.S. citizens (64.7%).
- Most alien smuggling offenders were male (75.9%).
- The average age of these offenders at sentencing was 32 years.
- Over one-half (55.6%) of alien smuggling offenders had little or no prior criminal history (i.e., assigned to Criminal History Category I). The proportion of alien smuggling offenders in other Criminal History Categories was as follows:
  - ◆ 14.4% of these offenders were in Category II;
  - ◆ 15.1% were in Category III;
  - ◆ 7.4% were in Category IV;
  - ◆ 3.7% were in Category V; and
  - ◆ 3.8% were in Category VI.
- Over half (51.8%) of alien smuggling offenses involved the smuggling, transporting, or harboring of fewer than six persons.
- Sentences were increased for 11.2% of offenders because one of the persons smuggled was an unaccompanied minor.
- An alien was involuntarily detained through coercion or threat, or in connection with a demand for payment in 1.6% of alien smuggling offenses.
- Most alien smuggling cases did not involve the use of weapons (97.6%).
- Although the majority of alien smuggling cases did not involve physical injury (96.3%), 30.9% of all alien smuggling cases involved the risk of injury.
- One or more aliens died in 1.0% of alien smuggling cases.

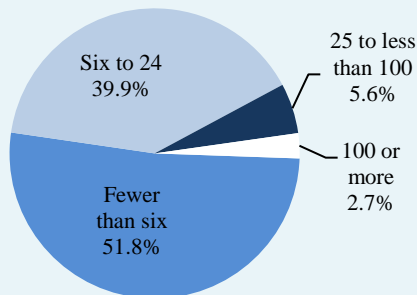
**Number of Alien Smuggling Offenders**



**Top Five Districts Alien Smuggling Offenders FY 2016**

|  |
|--|
| Southern District of Texas<br>(N=1,144)    |
| Western District of Texas<br>(N=432)       |
| District of Arizona<br>(N=323)             |
| Southern District of California<br>(N=273) |
| District of New Mexico<br>(N=93)           |

**Number of Aliens Smuggled in the Offense FY 2016**



<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).

<sup>2</sup> Alien smuggling involves cases in which the court applied USSG §2L1.1 as the primary sentencing guideline. Only cases for which the Commission received complete sentencing information are included in this analysis.

### Punishment

- The majority of alien smuggling offenders were sentenced to imprisonment (87.2%).
- The average sentence length for alien smuggling offenders was 16 months.
- Although some alien smuggling offenses do carry mandatory minimum penalties, most alien smuggling offenders were not convicted of an offense carrying a mandatory minimum penalty (98.8%).

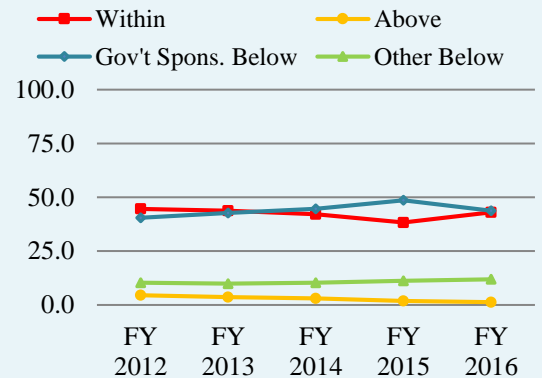
# Quick Facts

## Alien Smuggling Offenses

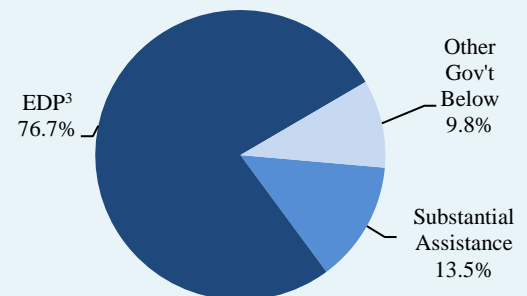
### Sentences Relative to the Guideline Range

- The percentage of alien smuggling offenders sentenced within the guideline range decreased steadily from 44.6% in fiscal year 2012 to 38.3% in fiscal year 2015, but increased to 43.0% in fiscal year 2016.
- The percentage of alien smuggling offenders who received a sentence below the applicable guideline range because the government sponsored the below range sentence steadily increased from fiscal year 2012 (40.5%) to fiscal year 2015 (48.6%), but decreased in fiscal year 2016 (43.7%).
  - ◆ Substantial assistance departures were granted in 5.9% of cases involving alien smuggling.
    - ◇ These offenders received an average reduction of over half off their sentence (55.2%).
  - ◆ Early Disposition Program (EDP) departures applied in 33.5% of alien smuggling cases.
    - ◇ These offenders received an average reduction of 38.2% in their sentence.
- The rate of non-government sponsored below range sentences for alien smuggling offenders slightly increased from 10.4% in fiscal year 2012 to 11.9% in fiscal year 2016.
  - ◆ These offenders received an average reduction of about half off their sentence (49.7%) in fiscal year 2016.
- The average sentence and the average guideline minimum for alien smuggling offenses have remained constant over the last five years.
  - ◆ The average sentence was 17 months in fiscal year 2012 and 16 months in fiscal year 2016;
  - ◆ The average guideline minimum was 20 months in fiscal year 2012 and 19 months in fiscal year 2016.

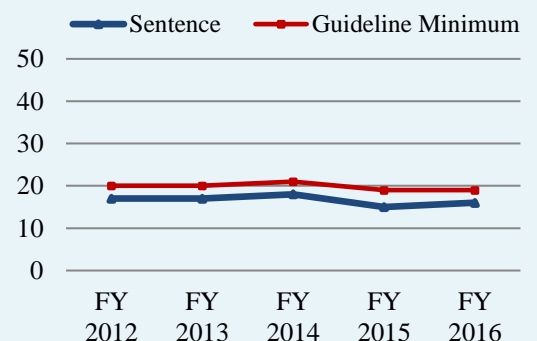
### Sentence Relative to the Guideline Range



### Government Sponsored Below Range Sentences FY 2016



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



<sup>3</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.

