



# Quick Facts



## — Alien Smuggling Offenses —

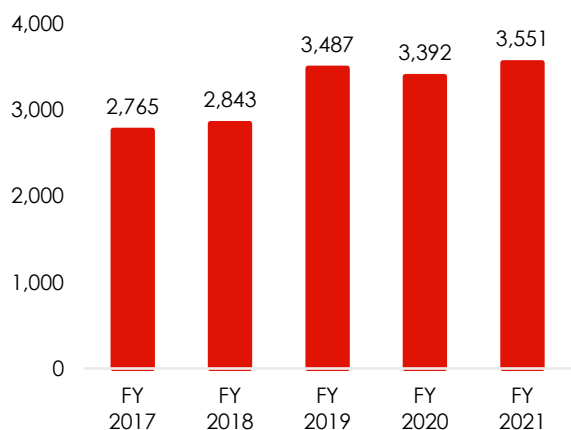
### Fiscal Year 2021

▶ In FY 2021, 57,287 cases were reported to the U.S. Sentencing Commission.

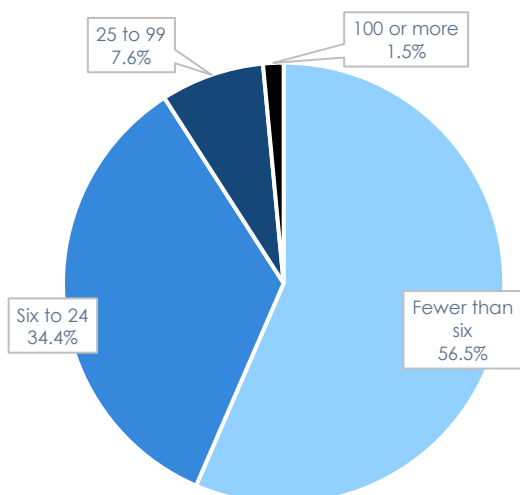
▶ 15,755 of these involved immigration offenses.<sup>1</sup>

▶ 22.5% of immigration cases involved alien smuggling.<sup>2</sup>

### Number of Alien Smuggling Offenders



### Number of Aliens Smuggled in an Offense



### Offender and Offense Characteristics<sup>3</sup>

- 76.2% of alien smuggling offenders were men.
- Their average age was 32 years.
- 74.8% were United States citizens.
- 58.7% had little or no prior criminal history (Criminal History Category I);
  - ◆ 13.7% were CHC II;
  - ◆ 13.1% were CHC III;
  - ◆ 7.4% were CHC IV;
  - ◆ 3.8% were CHC V;
  - ◆ 3.3% were CHC VI.
- 14.2% of alien smuggling offenses involved an unaccompanied minor.
- 56.5% of alien smuggling offenses involved smuggling, transporting, or harboring fewer than six people.
- 0.8% of alien smuggling offenses involved an alien who was involuntarily detained through coercion, threat, or in demand for payment.
- 95.6% of alien smuggling offenses did not involve the use of a weapon.
- 97.4% of alien smuggling offenses did not involve physical injury, but 36.5% involved the risk of injury.
- A death occurred in 0.7% of alien smuggling offenses.
- The top five districts for alien smuggling offenses were:
  - ◆ Southern District of Texas (1,541);
  - ◆ Western District of Texas (991);
  - ◆ District of Arizona (425);
  - ◆ District of New Mexico (271);
  - ◆ Southern District of California (182).

### Punishment

- The average sentence for all alien smuggling offenders was 15 months.
- 84.4% of alien smuggling offenders were sentenced to prison.
- 1.3% were convicted of an offense carrying a mandatory minimum penalty.

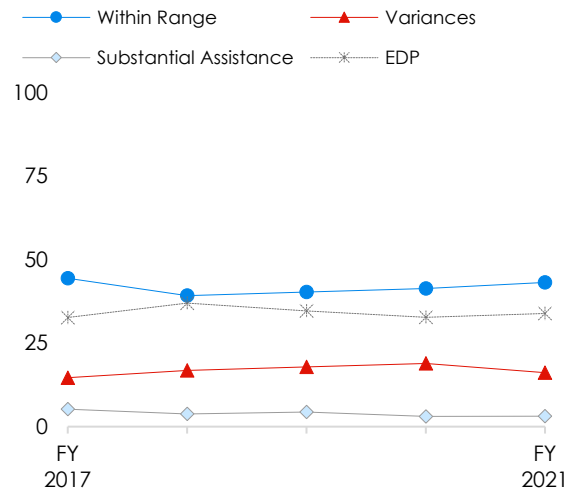


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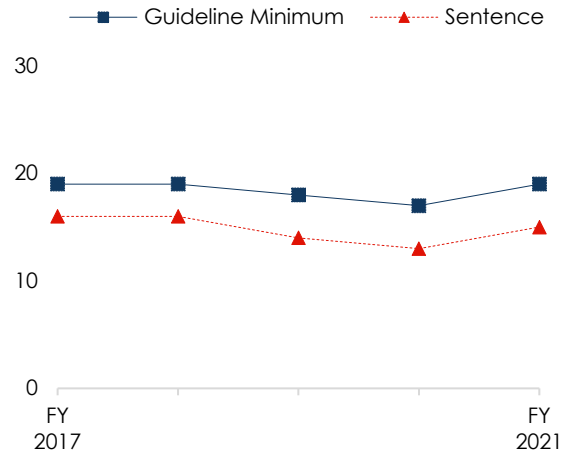
**Sentences Relative to the Guideline Range**

- Of the 83.8% of alien smuggling offenders sentenced under the *Guidelines Manual*:
  - ◆ 51.6% were sentenced within the guideline range.
  - ◆ 40.5% received an Early Disposition Program (EDP) departure.<sup>4</sup>
    - ◇ Their average sentence reduction was 50.0%.
  - ◆ 4.1% received some other downward departure.
    - ◇ Their average sentence reduction was 48.8%.
  - ◆ 3.7% received a substantial assistance departure.
    - ◇ Their average sentence reduction was 55.8%.
- 16.2% received a variance; of those offenders:
  - ◆ 96.3% received a downward variance.
    - ◇ Their average sentence reduction was 54.5%.
  - ◆ 3.7% received an upward variance.
    - ◇ Their average sentence increase was 58.7%.
- The average guideline minimum and average sentence imposed remained steady over the past five years.
  - ◆ The average guideline minimum was 19 months in fiscal year 2017 and fiscal year 2021.
  - ◆ The average sentence imposed was 16 months in fiscal year 2017 and 15 months in fiscal year 2021.

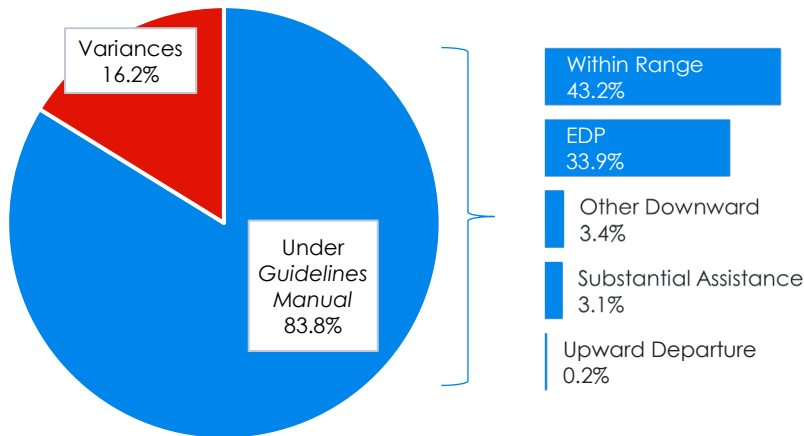
**Sentence Relative to the Guideline Range (%)**



**Average Guideline Minimum and Average Sentence (months)**



**Sentence Imposed Relative to the Guideline Range FY 2021**



<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> Alien smuggling involves cases in which the court applied USSG §2L1.1 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.