In fiscal year 2017, there were 15,767 offenders convicted of illegal reentry, accounting for 81.6% of all immigration offenders sentenced under the guidelines. Between fiscal year 2013 and fiscal year 2016 there was a decrease in the number of illegal reentry offenders and in fiscal year 2017 there was a slight increase (n=23) in reentry offenders.

**Offender and Offense Characteristics**
- In fiscal year 2017, most illegal reentry offenders were men (96.9%).
- The majority were Hispanic (98.9%) followed by Black (0.6%), White (0.5%), and Other Races (0.0%).
- The average age of these offenders at sentencing was 36 years.
- The most common Criminal History Category for these offenders was Category III (26.5%). The proportion of illegal reentry offenders in other Criminal History Categories were as follows:
  - 25.7% of these offenders were in Category I;
  - 23.8% were in Category II;
  - 13.7% were in Category IV;
  - 6.4% were in Category V; and
  - 3.9% were in Category VI.
- The illegal reentry guideline was substantially amended effective November 1, 2016.
  - For offenders who were subject to the revised guidelines, sentences were increased in 30.3% of cases because the offender had a previous conviction for:
    - a felony illegal reentry offense (26.7%), or
    - two or more convictions for misdemeanor illegal entry (3.6%).
  - For offenders subject to the revised guideline, illegal reentry sentences were increased in 29.4% of cases because the offender had a previous conviction for a felony offense (non-illegal reentry) or three misdemeanor drug trafficking or crime of violence offenses before the offender’s first deportation. In 18.1% of cases the offender’s sentence was increased for these types of convictions that occurred after the offender’s first deportation.

**Punishment**
- The majority of illegal reentry offenders were sentenced to imprisonment (97.3%).
- The average sentence length for illegal reentry offenders was 12 months.
Illegal Reentry Offenses

Sentences Relative to the Guideline Range

- For each of the past five years, the percentage of illegal reentry offenders who were sentenced within the guideline range has increased from 55.6% in fiscal year 2013 to 65.1% in fiscal year 2017.

- In fiscal year 2017, about one-quarter (21.5%) of illegal reentry offenders received a sentence below the applicable guideline range because the government sponsored the below range sentence.
  - Early Disposition Program (EDP) departures were granted in 20.0% of illegal reentry cases. These offenders received an average reduction of 42.7% in their sentence.
  - Other government sponsored below range sentences were imposed in 1.3% of illegal reentry cases. These offenders received an average reduction of 40.4% in their sentence.

- The rate of non-government sponsored below range sentences decreased from 12.8% of illegal reentry cases in fiscal year 2013 to 10.2% in fiscal year 2017.
  - The average reduction for these offenders in fiscal year 2017 was 37.6%.

- The average sentence and the average guideline minimum for illegal reentry offenders have decreased over the last five years.
  - The average sentence decreased from 18 months in fiscal year 2013 to 12 months in fiscal year 2017;
  - The average guideline minimum decreased from 21 months in fiscal year 2013 to 13 months in fiscal year 2017.

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3 “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.


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