



Quick Facts

▶ THERE WERE 66,873 CASES REPORTED TO THE UNITED STATES SENTENCING COMMISSION IN FISCAL YEAR 2017.

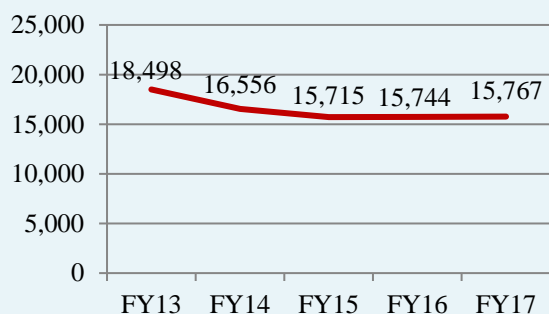
▶ OF THESE CASES, 19,330 INVOLVED IMMIGRATION OFFENSES.¹

▶ 81.6% OF IMMIGRATION CASES INVOLVED ILLEGAL REENTRY.²

Illegal Reentry Offenses

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.

Number of Illegal 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.

Top Five Districts Illegal Reentry Offenders FY 2017

| |
|--|
| Southern District of Texas (N=3,450) |
| Western District of Texas (N=3,260) |
| District of New Mexico (N=2,706) |
| District of Arizona (N=2,277) |
| Southern District of California (N=584) |

¹ 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).

² Illegal reentry involves cases in which the court applied USSG §2L1.2 as the primary sentencing guideline. Only cases for which the Commission received complete sentencing information are included in this analysis.

Punishment

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

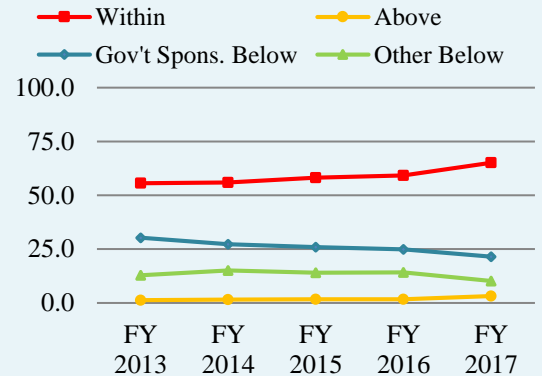
Quick Facts

Illegal Reentry Offenses

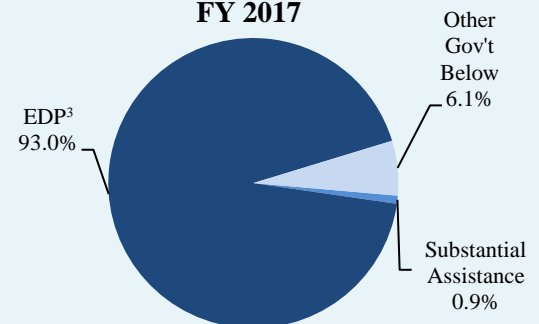
Sentences Relative to the Guideline Range

- 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) departures³ 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.

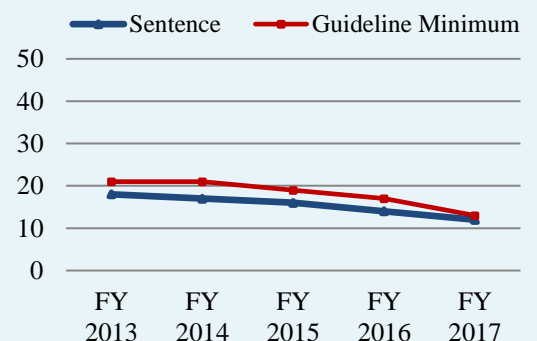
Sentence Relative to the Guideline Range



Government Sponsored Below Range Sentences FY 2017



Average Sentence and Average Guideline Minimum (in months)



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.

