Fiscal Year 2020

- In FY 2020, 64,565 cases were reported to the U.S. Sentencing Commission.
- 23,759 of these involved immigration offenses.¹
- 82.7% of immigration cases involved illegal reentry.²
- Illegal reentry offenses have increased by 24.3% since FY 2016.

Offender and Offense Characteristics

- Illegal reentry cases decreased 11.0% in fiscal year 2020.
- 96.7% of illegal reentry offenders were men.
- 99.1% of illegal reentry offenders were Hispanic, 0.6% were White, 0.3% were Black, and almost none were Other races.
- Their average age was 36 years.
- 41.5% had little or no prior criminal history (Criminal History Category I);
  - ♦ 24.5% were CHC II;
  - ♦ 20.4% were CHC III;
  - ♦ 8.4% were CHC IV;
  - ♦ 3.4% were CHC V;
  - ♦ 1.8% were CHC VI.
- For offenders sentenced under the 2016 Guidelines Manual or later:
  - ♦ 30.3% of offenders received sentencing enhancements for a previous illegal entry conviction:
    - ◊ 23.8% for a felony reentry offense;
    - ◊ 6.5% for two or more convictions for misdemeanor illegal entry.
  - ♦ 17.4% of offenders received sentencing enhancements for a previous felony conviction other than illegal reentry or three misdemeanor drug trafficking/crime of violence convictions;
    - ◊ 15.5% only received an enhancement for a conviction before the offender’s first deportation;
    - ◊ 12.6% only received an enhancement for a conviction after the offender’s first deportation;
    - ◊ 1.9% received enhancements for convictions before and after the offender’s first deportation.
  - ♦ 85.6% received no enhancement for a previous non-illegal reentry felony conviction or three misdemeanor drug trafficking/crime of violence convictions.
- The top five districts where illegal reentry offenses comprised the highest proportion of the overall caseload were:
  - ♦ District of New Mexico (75.1%);
  - ♦ District of Arizona (71.0%);
  - ♦ Western District of Texas (67.2%);
  - ♦ Southern District of Texas (62.9%);
  - ♦ District of Utah (35.8%).

Punishment

- The average sentence for all illegal reentry offenders was eight months.
- 96.9% of illegal reentry offenders were sentenced to prison.
Illegal Reentry Offenses

Sentences Relative to the Guideline Range

- Of the 90.3% of illegal reentry offenders sentenced under the Guidelines Manual:
  - 73.5% were sentenced within the guideline range.
  - 22.2% received an Early Disposition Program (EDP) departure.\(^4\)
    - Their average sentence reduction was 44.4%.
  - 4.1% received some other downward departure.
    - Their average sentence reduction was 42.3%.
  - 9.7% received a variance; of those offenders:
    - 89.0% received a downward variance.
      - Their average sentence reduction was 44.9%.
    - 11.0% received an upward variance.
      - Their average sentence increase was 69.2%.
- The average guideline minimum and average sentence imposed decreased over the past five years.
  - The average guideline minimum decreased from 17 months in fiscal year 2016 to nine months in fiscal year 2020.
  - The average sentence imposed decreased from 14 months in fiscal year 2016 to eight months in fiscal year 2020.