



QuickFacts

Illegal Reentry Offenses

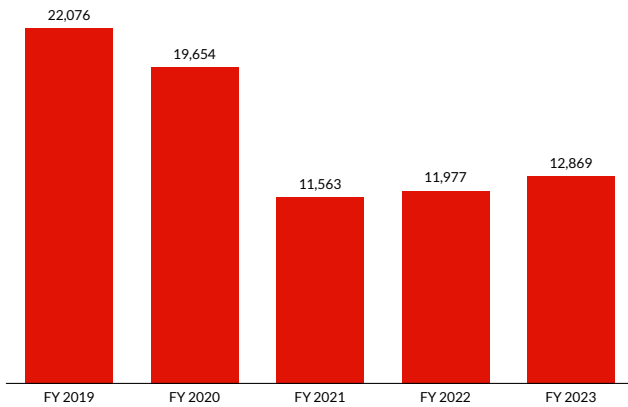
Population Snapshot

64,124 cases were reported in FY23;

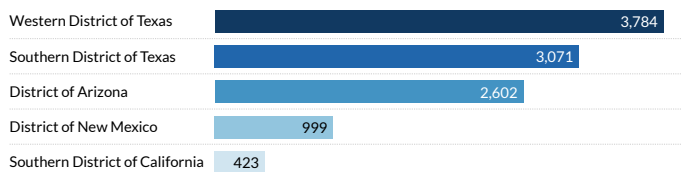
18,106 involved immigration offenses;¹
71.1% involved illegal reentry.²

Illegal reentry offenses
decreased by 41.7%
since FY19.

Number of Illegal Reentry Offenses



Districts with the Most Illegal Reentry Offenses



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Individual and Offense Characteristics³

- Illegal reentry cases increased by 7.6% in fiscal year 2023.
- 97.5% of individuals sentenced for illegal reentry were men.
- 98.8% were Hispanic, 0.5% were White, 0.5% were Black, and 0.1% were Other races.
- Their average age was 39 years.
- 28.8% had little or no prior criminal history (Criminal History Category I);
 - 28.4% were CHC II;
 - 25.2% were CHC III;
 - 10.7% were CHC IV;
 - 4.5% were CHC V;
 - 2.4% were CHC VI.
- For individuals sentenced under the 2016 *Guidelines Manual* or later:
 - 36.3% of individuals received sentencing enhancements for a previous illegal entry conviction:
 - 33.1% for a felony reentry offense;
 - 3.2% for two or more convictions for misdemeanor illegal entry.
 - 43.6% of individuals received sentencing enhancements for a previous felony conviction other than illegal reentry or three misdemeanor drug trafficking/crime of violence convictions;
 - 23.0% only received an enhancement for a conviction *before* the individual's first deportation;
 - 18.2% only received an enhancement for a conviction *after* the individual's first deportation;
 - 2.3% received enhancements for convictions *before and after* the individual's first deportation.
 - 56.4% 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 their overall caseload were:
 - District of Arizona (56.0%);
 - Southern District of Texas (51.8%);
 - Western District of Texas (51.4%);
 - District of New Mexico (50.5%);
 - District of Delaware (27.7%).



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Illegal Reentry Offenses

Punishment

The average sentence for all individuals sentenced for illegal reentry was 12 months.

98.5% were sentenced to prison.

Sentences Relative to the Guideline Range

Of the 87.8% of individuals sentenced for illegal reentry under the *Guidelines Manual*:

- 69.7% were sentenced within the guideline range.
- 25.7% received an Early Disposition Program (EDP)⁴ departure.
 - *Their average sentence reduction was 42.4%.*
- 4.1% received some other downward departure.
 - *Their average sentence reduction was 36.1%.*
- 12.2% received a variance; of those individuals:
 - 77.0% received a downward variance.
 - *Their average sentence reduction was 40.6%.*
 - 23.0% received an upward variance.
 - *Their average sentence increase was 87.6%.*

The average guideline minimum and average sentence imposed fluctuated over the past five years.

- The average guideline minimum increased and decreased throughout the fiscal years. The average guideline minimum was 10 months in fiscal year 2019 and 13 months in fiscal year 2023.
- The average sentence imposed increased and decreased throughout the fiscal years. The average sentence was 9 months in fiscal year 2019 and 12 months in fiscal year 2023.

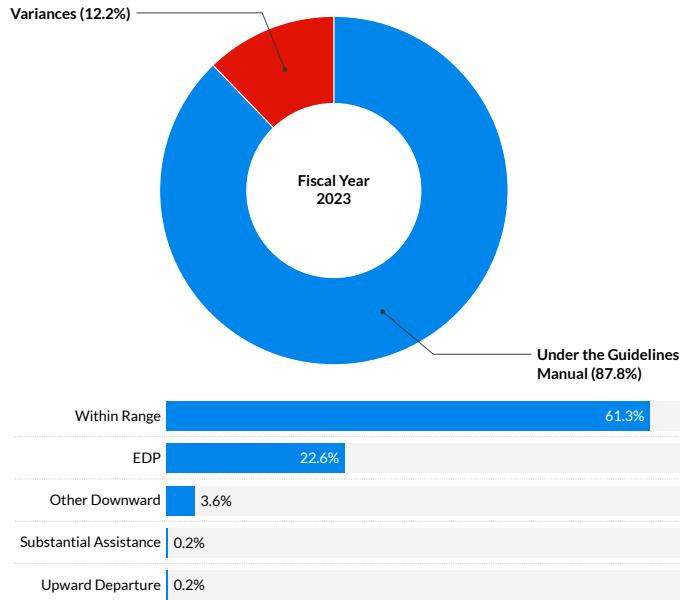
¹ Immigration cases include cases sentenced under USSG §§2L1.1 (Smuggling, Transporting or Harboring an Unlawful Alien), 2L1.2 (Illegal Reentry), 2L2.1 (Trafficking in Documents Relating to Citizenship), 2L2.2 (Fraudulently Acquiring Documents Relating to Citizenship), and 2L2.5 (Failure to Surrender Cancelled Naturalization Certificate).

² Illegal reentry involves cases in which the court applied USSG §2L1.2 as the primary sentencing guideline.

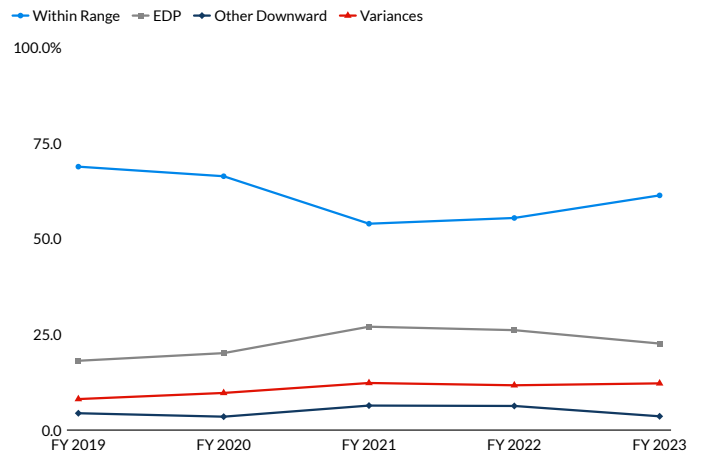
³ Cases with incomplete sentencing information were excluded from the analysis.

⁴ “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.

Sentences Relative to the Guideline Range



Sentences Relative to the Guideline Range



Average Guideline Minimum and Average Sentence (in months)

