



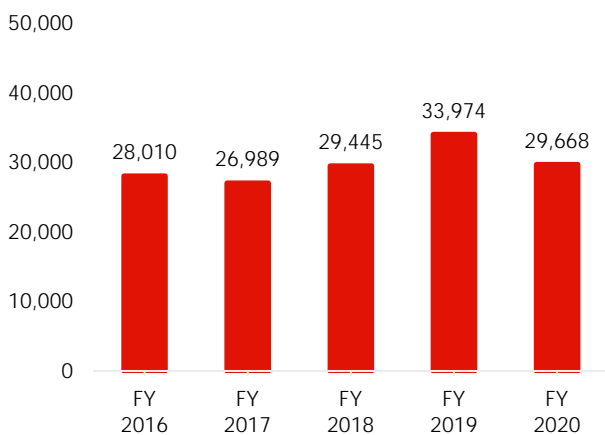
Quick Facts

— Non-U.S. Citizen Federal Offenders —

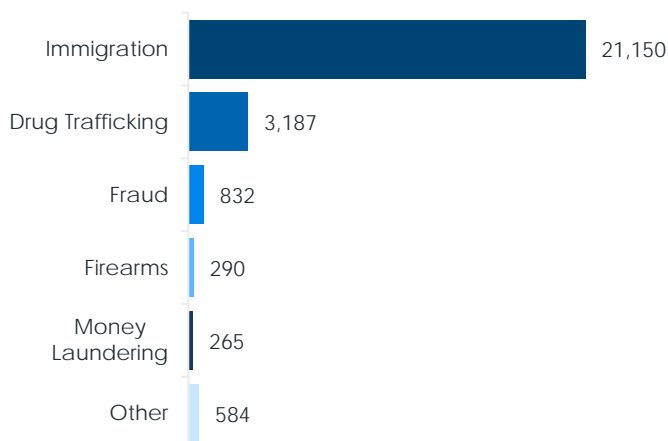
Fiscal Year 2020

- ▶ IN FY 2020, 64,565 CASES WERE REPORTED TO THE U.S. SENTENCING COMMISSION.
- ▶ 29,668 OF THESE INVOLVED NON-U.S. CITIZENS.
- ▶ NON-U.S. CITIZENS ACCOUNTED FOR 46.2% OF ALL FEDERAL OFFENDERS IN FY 2020.

Number of Non-U.S. Citizen Offenders



Most Common Guidelines for Non-U.S. Citizen Offenders



Offender and Offense Characteristics¹

- 94.3% of non-U.S. citizen offenders were men.
- 95.6% of non-U.S. citizen offenders were Hispanic, 1.9% were White, 1.5% were Black, and 1.0% were Other races.
- Their average age was 36 years.
- 91.3% were illegal aliens, 6.5% were legal aliens, 1.4% were of unknown status, and 0.8% were extradited aliens.
- 69.7% were from Mexico, 9.1% from Honduras, 7.1% from Guatemala, 3.5% from El Salvador, 2.2% from the Dominican Republic, and 8.4% originated from other countries.
- The most common guidelines under which non-U.S. Citizen offenders were sentenced include: Immigration (80.4%); Drug Trafficking (12.1%); Fraud (3.2%); Firearms (1.1%); and Money Laundering (1.0%).²
- 51.6% had little or no prior criminal history (Criminal History Category I);
 - ◆ 20.4% were CHC II;
 - ◆ 16.7% were CHC III;
 - ◆ 6.8% were CHC IV;
 - ◆ 2.8% were CHC V;
 - ◆ 1.7% were CHC VI.
- The top five districts for non-U.S. citizen offenders were:
 - ◆ Western District of Texas (6,754);
 - ◆ Southern District of Texas (5,292);
 - ◆ District of Arizona (3,296);
 - ◆ District of New Mexico (2,539);
 - ◆ Southern District of California (1,141).
- The top five districts where non-U.S. citizen offenders comprised the highest proportion of overall caseload were:
 - ◆ Western District of Texas (81.2%);
 - ◆ District of New Mexico (80.4%);
 - ◆ District of Arizona (78.1%);
 - ◆ Southern District of Texas (75.3%);
 - ◆ Middle District of Florida (49.6%).

Punishment

- The average sentence for non-U.S. citizen offenders was 17 months.³
- 96.6% were sentenced to prison.
- 10.9% were convicted of an offense carrying a mandatory minimum penalty.



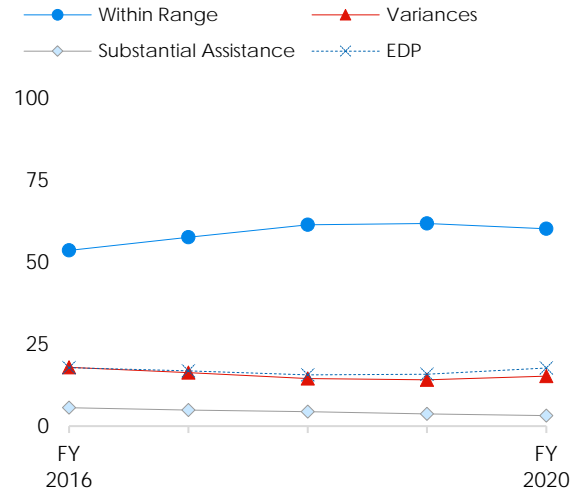
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pubaffairs@ussc.gov
@theusscgov

— Non-U.S. Citizen Federal Offenders —

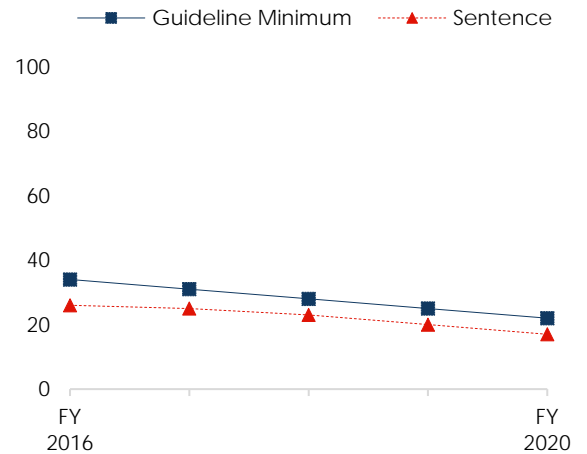
Sentences Relative to the Guideline Range

- Of the 84.8% of non-U.S. citizen offenders sentenced under the *Guidelines Manual*:
 - ◆ 70.9% were sentenced within the guideline range.
 - ◆ 20.8% received an Early Disposition Program (EDP) departure.⁴
 - ◇ Their average sentence reduction was 45.6%.
 - ◆ 4.3% received some other downward departure.
 - ◇ Their average sentence reduction was 42.0%.
 - ◆ 3.7% received a substantial assistance departure.
 - ◇ Their average sentence reduction was 51.7%.
- 15.2% received a variance; of those offenders:
 - ◆ 92.5% received a downward variance.
 - ◇ Their average sentence reduction was 42.6%.
 - ◆ 7.5% received an upward variance.
 - ◇ Their average sentence increase was 63.7%.
- The average guideline minimum and average sentence imposed decreased over the past five years.
 - ◆ The average guideline minimum decreased from 34 months in fiscal year 2016 to 22 months in fiscal year 2020.
 - ◆ The average sentence imposed decreased from 26 months in fiscal year 2016 to 17 months in fiscal year 2020.

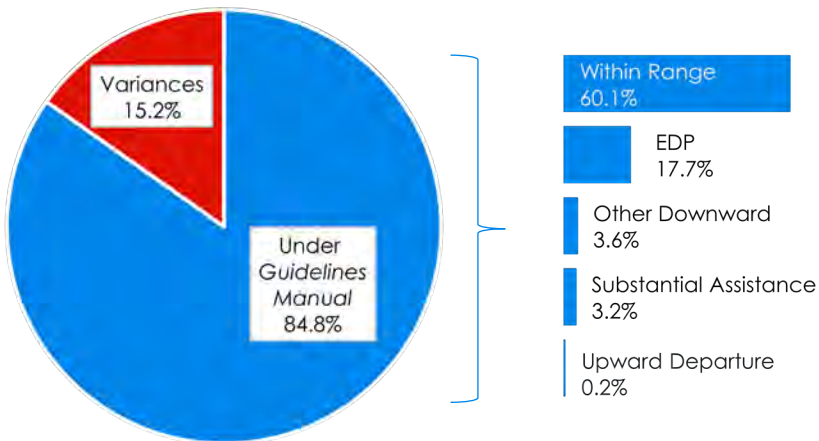
Sentence Relative to the Guideline Range (%)



Average Guideline Minimum and Average Sentence (months)



Sentence Imposed Relative to the Guideline Range FY 2020



¹ Cases with incomplete sentencing information were excluded from the analysis.

² The most common guidelines under which U.S. citizen offenders were sentenced include: Drug Trafficking (39.1%); Firearms (20.7%); Fraud (10.6%); Immigration (7.5%); Robbery (3.8%); and Child Pornography (3.0%).

³ The average sentence for U.S. citizen offenders was 62 months.

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.