



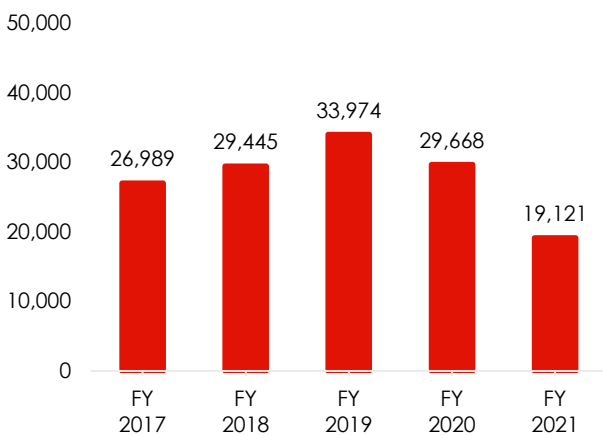
# Quick Facts

— Non-U.S. Citizen Federal Offenders —

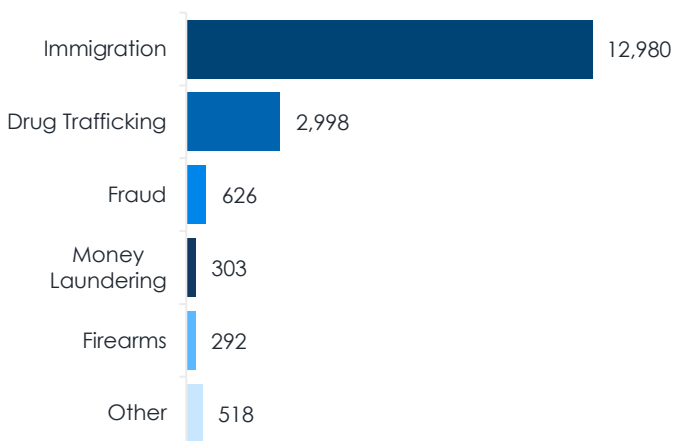
## Fiscal Year 2021

- ▶ IN FY 2021, 57,287 CASES WERE REPORTED TO THE U.S. SENTENCING COMMISSION.
- ▶ 19,121 OF THESE INVOLVED NON-U.S. CITIZENS.
- ▶ NON-U.S. CITIZENS ACCOUNTED FOR 33.6% OF ALL FEDERAL OFFENDERS IN FY 2021.

**Number of Non-U.S. Citizen Offenders**



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



## Offender and Offense Characteristics<sup>1</sup>

- 94.5% of non-U.S. citizen offenders were men.
- 94.2% were Hispanic, 2.2% were White, 2.0% were Black, and 1.6% were Other races.
- Their average age was 37 years.
- 88.3% were illegal aliens, 8.9% were legal aliens, 1.5% were extradited aliens, and 1.3% were of unknown status.
- 70.5% were from Mexico, 7.2% from Honduras, 5.5% from Guatemala, 3.6% from El Salvador, 2.7% from the Dominican Republic, and 10.5% originated from other countries.
- The most common guidelines under which non-U.S. citizen offenders were sentenced include: Immigration (73.3%); Drug Trafficking (16.9%); Fraud (3.5%); Money Laundering (1.7%); and Firearms (1.6%).<sup>2</sup>
- 40.7% had little or no prior criminal history (Criminal History Category I);
  - ◆ 20.3% were CHC II;
  - ◆ 20.9% were CHC III;
  - ◆ 10.3% were CHC IV;
  - ◆ 4.9% were CHC V;
  - ◆ 2.9% were CHC VI.
- The top five districts for non-U.S. citizen offenders were:
  - ◆ Southern District of Texas (4,980);
  - ◆ Western District of Texas (3,205);
  - ◆ District of Arizona (3,113);
  - ◆ District of New Mexico (695);
  - ◆ Southern District of California (571).
- The top five districts where non-U.S. citizen offenders comprised the highest proportion of the overall caseload were:
  - ◆ District of Arizona (73.2%);
  - ◆ Southern District of Texas (68.2%);
  - ◆ Western District of Texas (62.7%);
  - ◆ District of New Mexico (49.8%);
  - ◆ Southern District of Florida (46.0%).

## Punishment

- The average sentence for non-U.S. citizen offenders was 25 months.<sup>3</sup>
- 97.8% were sentenced to prison.
- 15.3% were convicted of an offense carrying a mandatory minimum penalty.

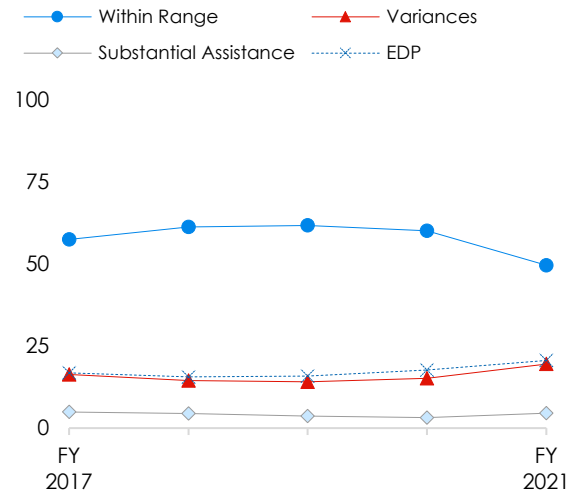


— **Non-U.S. Citizen Federal Offenders** —

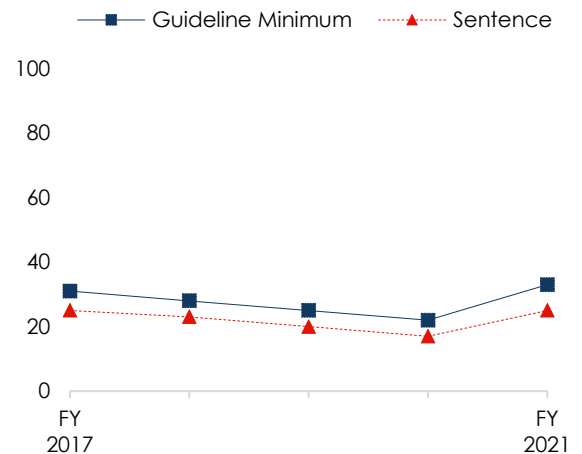
**Sentences Relative to the Guideline Range**

- Of the 80.5% of non-U.S. citizen offenders sentenced under the *Guidelines Manual*:
  - 61.6% were sentenced within the guideline range.
  - 25.5% received an Early Disposition Program (EDP) departure.<sup>4</sup>
    - Their average sentence reduction was 43.2%.
  - 7.0% received some other downward departure.
    - Their average sentence reduction was 44.7%.
  - 5.6% received a substantial assistance departure.
    - Their average sentence reduction was 49.0%.
- 19.5% received a variance; of those offenders:
  - 92.8% received a downward variance.
    - Their average sentence reduction was 40.4%.
  - 7.2% received an upward variance.
    - Their average sentence increase was 79.9%.
- 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 31 months in fiscal year 2017 and 33 months in fiscal year 2021.
  - The average sentence imposed increased and decreased throughout the fiscal years. The average sentence imposed was 25 months in fiscal year 2017 and fiscal year 2021.

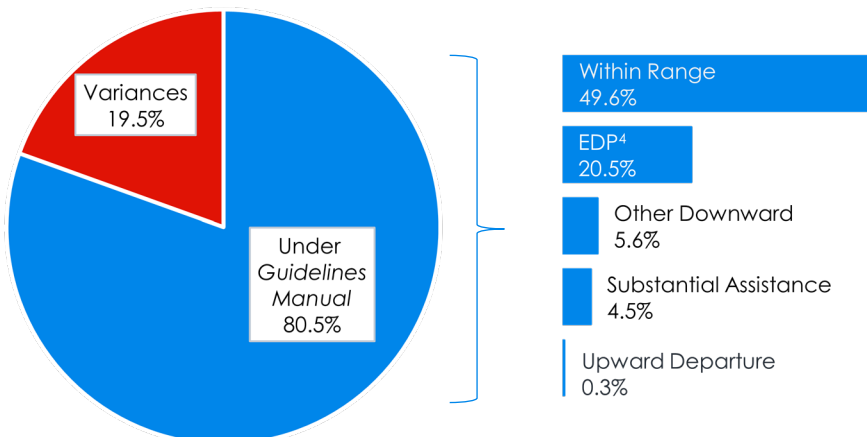
**Sentence Relative to the Guideline Range (%)**



**Average Guideline Minimum and Average Sentence (months)**



**Sentence Imposed Relative to the Guideline Range FY 2021**



<sup>1</sup> Cases with incomplete sentencing information were excluded from the analysis.

<sup>2</sup> The most common guidelines under which U.S. citizen offenders were sentenced include: Drug Trafficking (39.5%); Firearms (20.7%); Fraud (9.9%); Immigration (7.5%); Robbery (3.4%); and Child Pornography (3.3%).

<sup>3</sup> The average sentence for U.S. citizen offenders was 61 months.

<sup>4</sup> "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.