



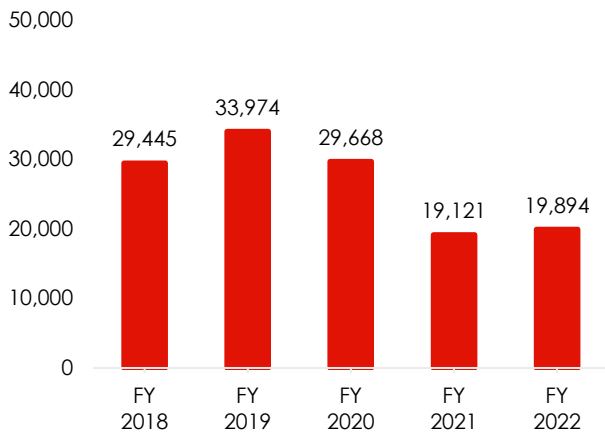
Quick Facts

— Non-U.S. Citizen Federal Offenders —

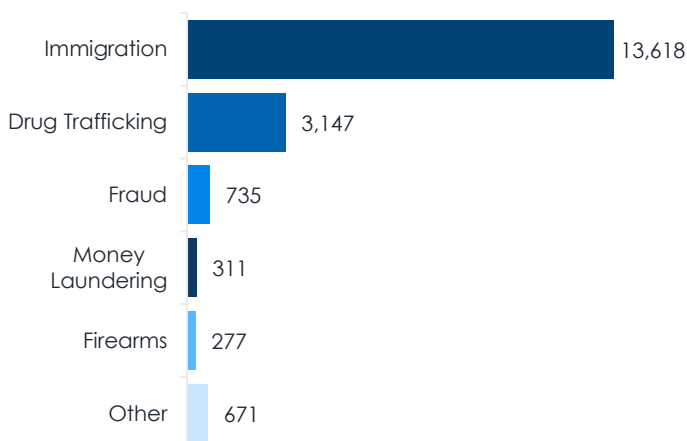
Fiscal Year 2022

- ▶ IN FY 2022, 64,142 CASES WERE REPORTED TO THE U.S. SENTENCING COMMISSION.
- ▶ 19,894 OF THESE INVOLVED NON-U.S. CITIZENS.
- ▶ NON-U.S. CITIZENS ACCOUNTED FOR 31.2% OF ALL FEDERAL OFFENDERS IN FY 2022.

Number of Non-U.S. Citizen Offenders



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



Offender and Offense Characteristics¹

- 94.1% of non-U.S. citizen offenders were men.
- 93.8% were Hispanic, 2.4% were Black, 2.0% were White, and 1.8% were Other races.
- Their average age was 38 years.
- 87.0% were illegal aliens, 9.6% were legal aliens, 1.9% were extradited aliens, and 1.5% were of unknown status.
- 66.7% were from Mexico, 7.3% from Honduras, 5.9% from Guatemala, 4.0% from El Salvador, 3.4% from the Dominican Republic, and 12.7% originated from other countries.
- The most common guidelines under which non-U.S. citizen offenders were sentenced include: Immigration (72.6%); Drug Trafficking (16.8%); Fraud (3.9%); Money Laundering (1.7%); and Firearms (1.5%).²
- 44.2% had little or no prior criminal history (Criminal History Category I);
 - ◆ 21.2% were CHC II;
 - ◆ 19.8% were CHC III;
 - ◆ 8.5% were CHC IV;
 - ◆ 3.9% were CHC V;
 - ◆ 2.4% were CHC VI.
- The top five districts for non-U.S. citizen offenders were:
 - ◆ Southern District of Texas (4,434);
 - ◆ Western District of Texas (3,837);
 - ◆ District of Arizona (2,796);
 - ◆ District of New Mexico (1,207);
 - ◆ Southern District of California (953).
- The top five districts where non-U.S. citizen offenders comprised the highest proportion of the overall caseload were:
 - ◆ District of Northern Mariana Islands (68.8%);
 - ◆ Southern District of Texas (65.4%);
 - ◆ Western District of Texas (64.8%);
 - ◆ District of Arizona (64.4%);
 - ◆ District of New Mexico (58.8%).

Punishment

- The average sentence for non-U.S. citizen offenders was 27 months.³
- 97.9% were sentenced to prison.
- 15.4% were convicted of an offense carrying a mandatory minimum penalty.



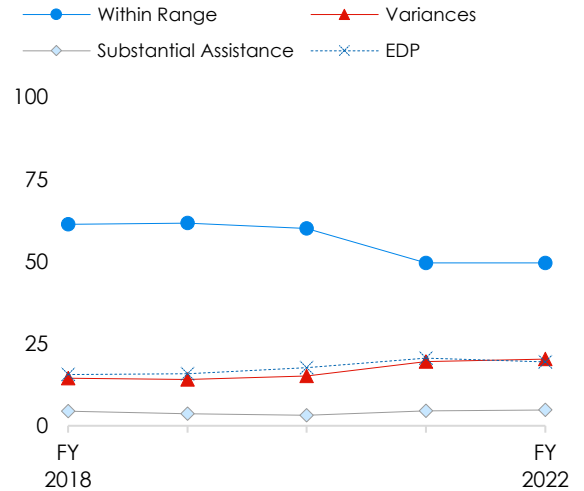
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— **Non-U.S. Citizen Federal Offenders** —

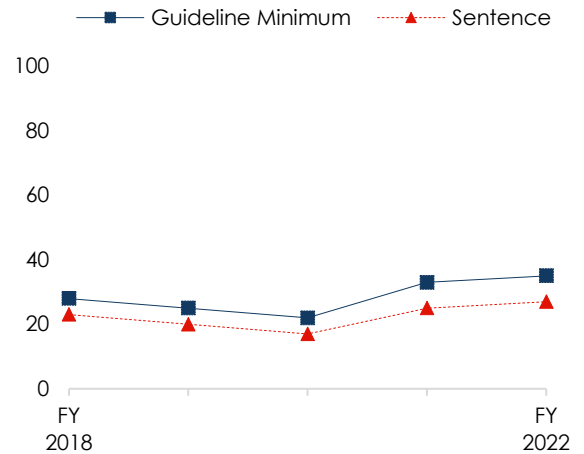
Sentences Relative to the Guideline Range

- Of the 79.7% of non-U.S. citizen offenders sentenced under the *Guidelines Manual*:
 - 62.3% were sentenced within the guideline range.
 - 24.3% received an Early Disposition Program (EDP) departure.⁴
 - Their average sentence reduction was 42.3%.
 - 7.0% received some other downward departure.
 - Their average sentence reduction was 43.6%.
 - 6.0% received a substantial assistance departure.
 - Their average sentence reduction was 50.8%.
- 20.3% received a variance; of those offenders:
 - 91.2% received a downward variance.
 - Their average sentence reduction was 38.7%.
 - 8.8% received an upward variance.
 - Their average sentence increase was 74.2%.
- 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 28 months in fiscal year 2018 and 35 months in fiscal year 2022.
 - The average sentence imposed increased and decreased throughout the fiscal years. The average sentence imposed was 23 months in fiscal year 2018 and 27 months in fiscal year 2022.

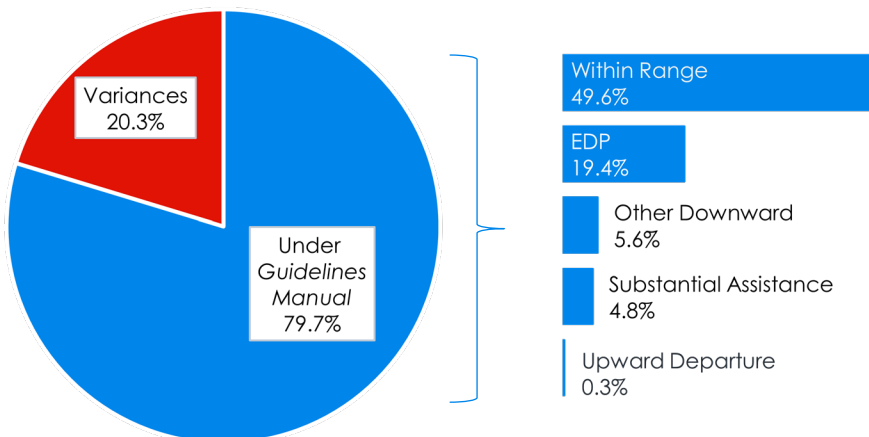
Sentence Relative to the Guideline Range (%)



Average Guideline Minimum and Average Sentence (months)



Sentence Imposed Relative to the Guideline Range FY 2022



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 (20.3%); Fraud (10.5%); Immigration (7.3%); Sexual Abuse (3.3%); Child Pornography (3.3%); and Robbery (3.2%).

³ The average sentence for U.S. citizen offenders was 65 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.