There were 66,873 cases reported to the United States Sentencing Commission in fiscal year 2017.

Of these cases, 26,989 involved non-U.S. citizens.

Non-U.S. citizens accounted for 40.7% of all offenders in fiscal year 2017.

Number of Non-U.S. Citizen Federal Offenders

<table>
<thead>
<tr>
<th>Year</th>
<th>Offenders</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY13</td>
<td>35,046</td>
</tr>
<tr>
<td>FY14</td>
<td>31,432</td>
</tr>
<tr>
<td>FY15</td>
<td>29,166</td>
</tr>
<tr>
<td>FY16</td>
<td>28,010</td>
</tr>
<tr>
<td>FY17</td>
<td>26,989</td>
</tr>
</tbody>
</table>

Top Five Districts Non-U.S. Citizen Offenders FY 2017

<table>
<thead>
<tr>
<th>District</th>
<th>Offenders</th>
</tr>
</thead>
<tbody>
<tr>
<td>Southern District of Texas</td>
<td>4,720</td>
</tr>
<tr>
<td>Western District of Texas</td>
<td>4,460</td>
</tr>
<tr>
<td>District of Arizona</td>
<td>3,955</td>
</tr>
<tr>
<td>District of New Mexico</td>
<td>3,067</td>
</tr>
<tr>
<td>Southern District of California</td>
<td>1,591</td>
</tr>
</tbody>
</table>

Most Common Guidelines¹ Non-U.S. Citizen Offenders FY 2017

- Drug Trafficking 20.2%
- Illegal Reentry 63.8%
- All Other Offenses 6.0%
- Illegal Documents 2.5%
- Alien Smuggling 4.1%
- Fraud 3.4%

Non-U.S. Citizen Federal Offenders

Overall, the number of non-U.S. citizen offenders has decreased over the last five years, from 35,046 offenders in fiscal year 2013 to 26,989 in fiscal year 2017. Non-U.S. citizen offenders were mostly Hispanic, citizens of Mexico, and sentenced in the districts along on the Southwest Border.

Offender and Offense Characteristics

- Hispanic offenders were the majority of non-U.S. citizens (93.8%), followed by Black (2.6%), White (2.2%), and Other Race (1.5%) offenders.
- Most non-U.S. citizen offenders were men (93.8%).
- The average age of these offenders at sentencing was 36 years.
- Most non-U.S. citizen offenders did not complete high school (76.3%), followed by high school graduates (14.4%), offenders with some college (6.2%), and college graduates (3.1%).
- Just under one-half (46.7%) of non-U.S. citizen offenders had little or no prior criminal history (i.e., assigned to Criminal History Category I). The proportion of non-U.S. citizen offenders in other Criminal History Categories was as follows:
  - 18.2% of these offenders were in Category II;
  - 18.8% were in Category III;
  - 9.2% were in Category IV;
  - 4.3% were in Category V; and,
  - 2.8% were in Category VI.
- Districts with the highest proportion of their overall caseload comprising non-U.S. citizen offenders were District of New Mexico (80.9%) followed by District of Arizona (73.0%), Southern District of Texas (71.2%), Western District of Texas (67.9%), and Southern District of California (55.3)—all of which are districts on the Southwest Border.
- The immigration status for non-U.S. citizen offenders was illegal alien (86.6%), legal alien (9.8%), extradited alien (1.5%), and 2.1% who were non-U.S. citizens but their status was unknown.
- The majority of non-U.S. citizen offenders were citizens of Mexico (71.5%). The next most common countries of origin were Honduras (5.8%), Guatemala (4.7%), El Salvador (3.7%), and the Dominican Republic (2.6%).

¹ The most common guideline under which U.S. citizen offenders were sentenced include Drug Trafficking (§2D1.1; 37.5%), Firearms Possession (§2K2.1; 16.0%), Fraud (§2B1.1; 14.5%), Alien Smuggling (§2L1.1; 4.7%), and Robbery (§2B3.1; 4.0%).
Punishment

- Most non-U.S. citizen offenders were sentenced to imprisonment (96.5%).
- The average sentence length for non-U.S. citizen offenders was 24 months.
- Most non-U.S. citizen offenders were convicted of an offense that did not carry a mandatory minimum penalty (88.9%).

Sentences Relative to the Guideline Range

- The percentage of non-U.S. citizen offenders sentenced within the guideline range has increased over the past five years, growing from 53.3% in fiscal year 2013 to 57.5% in fiscal year 2017.
- In 25.7% of cases involving non-U.S. citizen cases in fiscal year 2017, offenders received a sentence below the applicable guideline range because the government sponsored the below range sentence.
  - Substantial assistance departures were granted in 4.9% of cases involving non-U.S. citizens.
    - These offenders received an average reduction of about half off their sentence (47.7%).
  - Early Disposition Program (EDP) departures applied in 16.8% of non-U.S. citizen offenders.
    - These offenders received an average reduction of 43.2% in their sentence.
- The rate of non-government sponsored below range sentences for non-U.S. citizen offenders remained relatively stable over the past five years, from 15.1% in fiscal year 2013 to 14.3% in fiscal year 2017.
  - These offenders received an average reduction of (37.1%) in their sentence.
- The average sentence and the average guideline minimum for non-U.S. citizen offenders decreased slightly over the last five years.
  - The average sentence has decreased from 29 months in fiscal year 2013 to 25 months in fiscal year 2017;
  - The average guideline minimum has decreased from 36 months in fiscal year 2013 to 31 months in fiscal year 2017.

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