



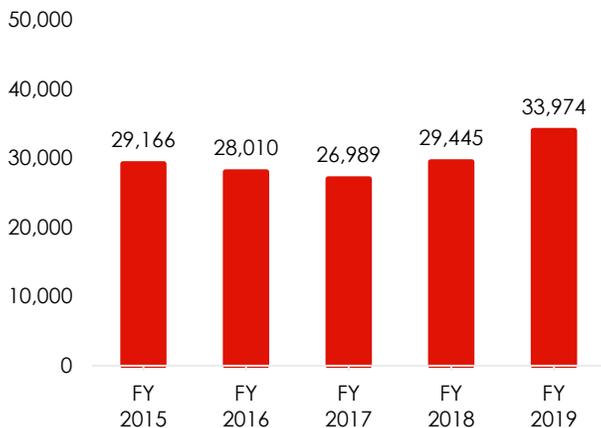
Quick Facts

— Non-U.S. Citizen Federal Offenders —

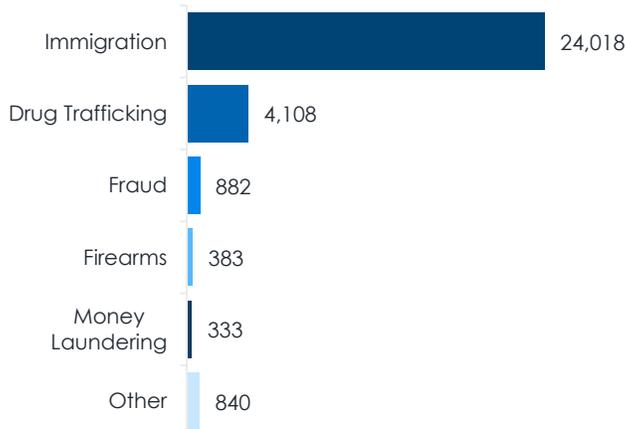
Fiscal Year 2019

- ▶ IN FY 2019, 76,538 CASES WERE REPORTED TO THE U.S. SENTENCING COMMISSION.
- ▶ 33,974 INVOLVED NON-U.S. CITIZENS.
- ▶ NON-U.S. CITIZENS ACCOUNTED FOR 44.6% OF ALL FEDERAL OFFENDERS IN FY 2019.

Number of Non-U.S. Citizen Federal Offenders



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



Offender and Offense Characteristics¹

- 94.0% of non-U.S. citizen offenders were men.
- 95.1% of non-U.S. citizen offenders were Hispanic, 2.1% were White, 1.7% were Black, and 1.2% were Other races.
- Their average age was 36 years.
- 90.1% were illegal aliens, 7.5% were legal aliens, 1.4% were of unknown status, and 0.9% were extradited aliens.
- 68.2% were from Mexico, 8.7% from Honduras, 8.4% from Guatemala, 3.8% from El Salvador, and 2.2% from the Dominican Republic.
- The most common guidelines under which non-U.S. Citizen offenders were sentenced include: Immigration (78.6%); Drug Trafficking (13.4%); Fraud (2.9%); Firearms (1.3%); and Money Laundering (1.1%).²
- 50.7% had little or no prior criminal history (Criminal History Category I);
 - ◆ 19.1% were CHC II;
 - ◆ 17.2% were CHC III;
 - ◆ 7.7% were CHC IV;
 - ◆ 3.2% were CHC V;
 - ◆ 2.1% were CHC VI.
- The top five districts for non-U.S. citizen offenders were:
 - ◆ Western District of Texas (7,677);
 - ◆ Southern District of Texas (4,897);
 - ◆ District of Arizona (3,712);
 - ◆ District of New Mexico (3,265);
 - ◆ Southern District of California (1,402).
- Districts with the highest proportion of overall caseload comprised of non-U.S. citizen offenders were:
 - ◆ District of New Mexico (83.6%);
 - ◆ Western District of Texas (80.8%);
 - ◆ District of Arizona (71.8%);
 - ◆ Southern District of Texas (70.3%);
 - ◆ Southern District of California (49.8%).

Punishment

- The average sentence for non-U.S. citizen offenders was 20 months.³
- 96.5% were sentenced to prison.
- 12.3% were convicted of an offense carrying a mandatory minimum penalty.



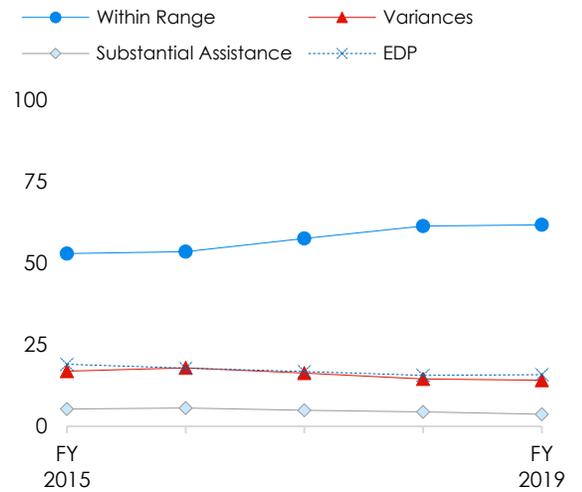
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— **Non-U.S. Citizen Federal Offenders** —

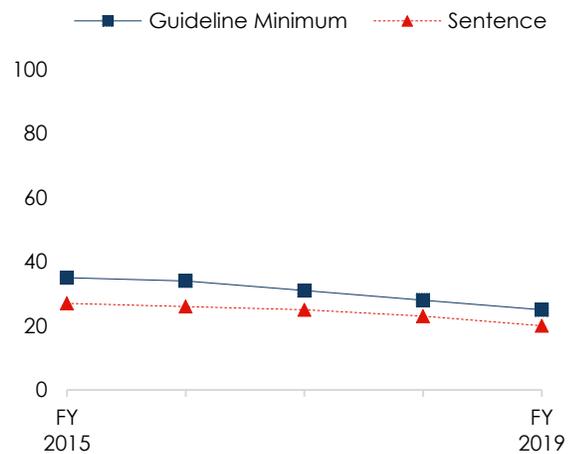
Sentences Relative to the Guideline Range

- Of the 85.9% of non-U.S. citizen offenders sentenced under the *Guidelines Manual*:
 - ◆ 71.9% were sentenced within the guideline range.
 - ◆ 18.4% received an Early Disposition Program (EDP) departure.⁴
 - ◇ Their average sentence reduction was 40.7%.
 - ◆ 4.3% received a substantial assistance departure.
 - ◇ Their average sentence reduction was 50.0%.
 - ◆ 5.0% received some other downward departure.
 - ◇ Their average sentence reduction was 37.8%.
- 14.1% received a variance; of those offenders:
 - ◆ 91.0% received a below range variance.
 - ◇ Their average sentence reduction was 39.1%.
 - ◆ 9.0% received an above range variance.
 - ◇ Their average sentence increase was 72.9%.
- The average guideline minimum and average sentence imposed has declined over the past five years.
 - ◆ The average guideline minimum decreased from 35 months in fiscal year 2015 to 25 months in fiscal year 2019.
 - ◆ The average sentence imposed decreased from 27 months in fiscal year 2015 to 20 months in fiscal year 2019.

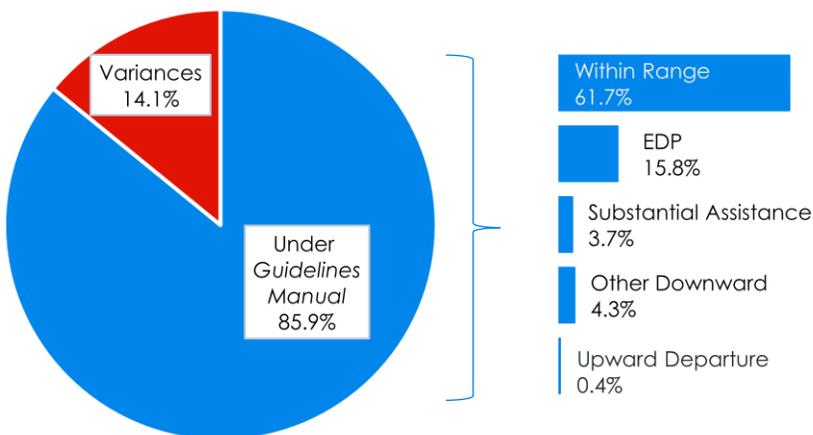
Sentence Relative to the Guideline Range (%)



Average Guideline Minimum and Average Sentence (months)



Sentence Imposed Relative to the Guideline Range FY 2019



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 (38.4%); Firearms (19.1%); Fraud (12.0%); Immigration (6.2%); Robbery (4.4%); and Child Pornography (3.3%).

³ The average sentence for U.S. citizen offenders was 64 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.