



Quick Facts

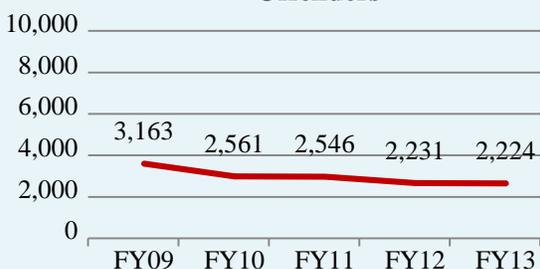
▶ THERE WERE 80,035 CASES REPORTED TO THE UNITED STATES SENTENCING COMMISSION IN FISCAL YEAR 2013.

▶ OF THESE CASES, 22,209 INVOLVED IMMIGRATION OFFENSES.¹

▶ 10.1% OF IMMIGRATION CASES INVOLVED ALIEN SMUGGLING.

Alien Smuggling Offenses

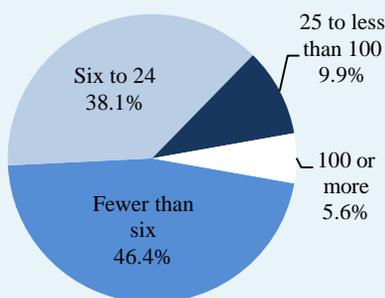
Number of Alien Smuggling Offenders



Top Five Districts Alien Smuggling Offenders FY 2013

Southern District of Texas (N=833)
District of Arizona (N=413)
Southern District of California (N=390)
Western District of Texas (N=246)
Southern District of Florida (N=73)

Number of Aliens Smuggled in the Offense FY 2013



Offender and Offense Characteristics

- In fiscal year 2013, more than half of alien smuggling offenders were U.S. citizens (51.3%)
- Most alien smuggling offenders were male (78.2%).
- The average age of these offenders at sentencing was 34 years.
- Nearly two-thirds (62.6%) of alien smuggling offenders had little or no prior criminal history (i.e., assigned to Criminal History Category I). The proportion of alien smuggling offenders in other Criminal History Categories was as follows:
 - ◆ 12.5% of these offenders were in Category II;
 - ◆ 13.9% were in Category III;
 - ◆ 5.4% were in Category IV;
 - ◆ 3.0% were in Category V;
 - ◆ and 2.6% were in Category VI.
- Almost half (46.4%) of alien smuggling offenses involved the smuggling, transporting, or harboring of fewer than six persons.
- Sentences were increased for 15.8% of offenders because one or more of the persons smuggled was an unaccompanied minor.
- An alien was involuntarily detained through coercion or threat, or in connection with a demand for payment in 3.8% of alien smuggling offenses.
- Most alien smuggling cases did not involve the use of weapons (97.3%).
- Although the majority of alien smuggling cases did not involve physical injury (96.8%), 27.2% of all alien smuggling cases involved the risk of injury.
- One or more aliens died in 0.8% of alien smuggling cases.

Punishment

- The majority of alien smuggling offenders were sentenced to imprisonment (88.8%).
- The average sentence length for alien smuggling offenders was 17 months.
- Although some alien smuggling offenses do carry mandatory minimum penalties, most alien smuggling offenders were not convicted of an offense carrying a mandatory minimum penalty (96.4%).

¹ Immigration cases include cases with complete guideline application information sentenced under USSG §§2L1.1 (Smuggling, Transporting or Harboring and Unlawful Alien), 2L1.2 (Illegal Reentry), 2L2.1 (Trafficking in Documents Relating to Citizenship), 2L2.2 (Fraudulently Acquiring Documents Relating to Citizenship), and 2L2.5 (Failure to Surrender Canceled Naturalization Certificate).

² Alien smuggling involves cases in which the court applied USSG §2L1.1 as the primary sentencing guideline. Only cases for which the Commission received complete sentencing information are included in this analysis.

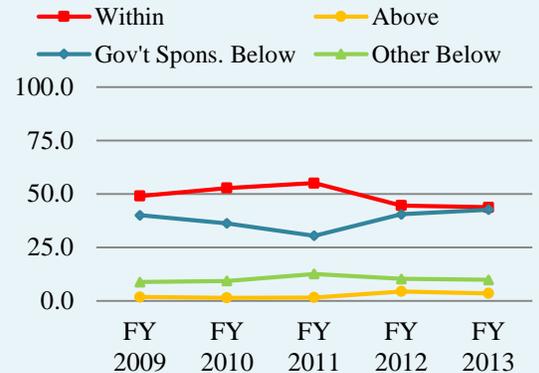
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Alien Smuggling Offenses

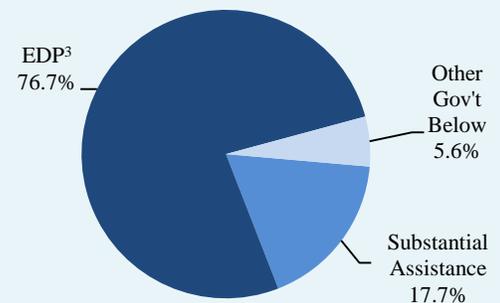
Sentences Relative to the Guideline Range

- For each of the past five years, the percentage of alien smuggling offenders sentenced within the guideline range has fluctuated from 49.1% in fiscal year 2009 to 55.1% in fiscal year 2011 and finally to 43.8% in fiscal year 2013.
- In 42.7% of alien smuggling cases in fiscal year 2013, offenders received a sentence below the applicable guideline range because the government sponsored the below range sentence.
 - Substantial assistance departures were granted in 7.6% of cases involving alien smuggling.
 - These offenders received an average reduction of more than half (51.3%) off their sentence.
 - Early Disposition Program (EDP) departures applied in 32.7% of alien smuggling cases.
 - These offenders received an average reduction of 39.2% in their sentence.
- The rate of non-government sponsored below range sentences for alien smuggling offenders increased from 8.9% of the cases in fiscal year 2009, rising to 12.6% in 2011 and decreasing to 9.8% in fiscal year 2013.
 - These offenders received an average reduction of more than half (53.3%) off their sentence.
- The average sentence and the average guideline minimum for alien smuggling offenses have remained constant over the last five years.
 - The average sentence was 17 months in fiscal year 2009 and in fiscal year 2013;
 - The average guideline minimum was 19 months in fiscal year 2009 and 20 months in fiscal year 2013.

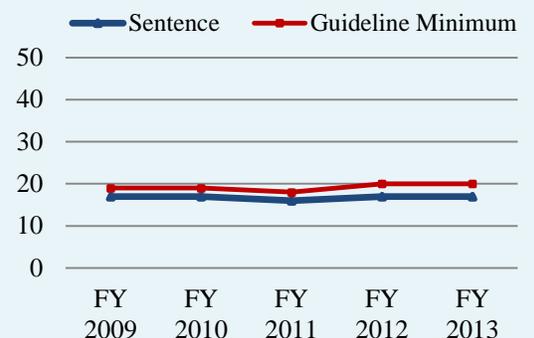
Sentence Relative to the Guideline Range



Government Sponsored Below Range Sentences FY 2013



Average Sentence and Average Guideline Minimum (in months)



³ "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.

