



# Quick Facts

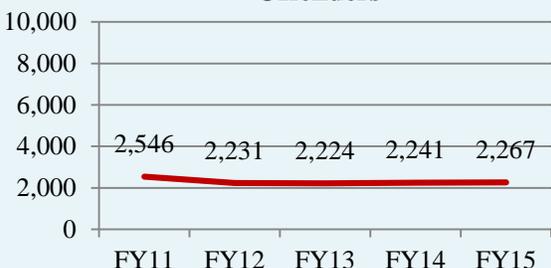
▶ THERE WERE 71,003 CASES REPORTED TO THE UNITED STATES SENTENCING COMMISSION IN FISCAL YEAR 2015.

▶ OF THESE CASES, 19,311 INVOLVED IMMIGRATION OFFENSES.<sup>1</sup>

▶ 11.8% OF IMMIGRATION CASES INVOLVED ALIEN SMUGGLING.

## Alien Smuggling Offenses

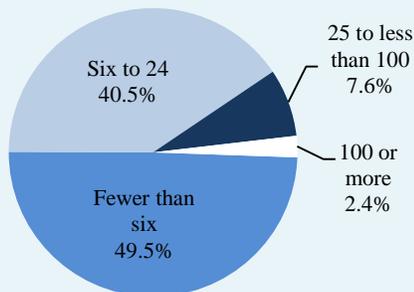
**Number of Alien Smuggling Offenders**



**Top Five Districts Alien Smuggling Offenders FY 2015**

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|--|
| Southern District of Texas<br>(N=1,019)    |
| District of Arizona<br>(N=374)             |
| Western District of Texas<br>(N=345)       |
| Southern District of California<br>(N=271) |
| District of New Mexico<br>(N=69)           |

**Number of Aliens Smuggled in the Offense FY 2015**



In fiscal year 2015, there were 2,267 offenders convicted of alien smuggling, accounting for 11.8% of all immigration offenders sentenced under the guidelines. In 11.0% of alien smuggling cases, an unaccompanied minor was smuggled in fiscal year 2015, a decrease from 17.4% in fiscal year 2014.

### Offender and Offense Characteristics

- In fiscal year 2015, more than half of alien smuggling offenders were U.S. citizens (60.0%)
- Most alien smuggling offenders were male (76.9%).
- The average age of these offenders at sentencing was 34 years.
- Over one-half (56.6%) 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:
  - ◆ 14.2% of these offenders were in Category II;
  - ◆ 14.1% were in Category III;
  - ◆ 7.6% were in Category IV;
  - ◆ 3.8% were in Category V; and
  - ◆ 3.6% were in Category VI.
- Almost half (49.5%) of alien smuggling offenses involved the smuggling, transporting, or harboring of fewer than six persons.
- Sentences were increased for 11.0% of offenders because one 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 1.5% 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 (97.3%), 28.4% 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 15 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 (98.5%).

<sup>1</sup> 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).

<sup>2</sup> 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.

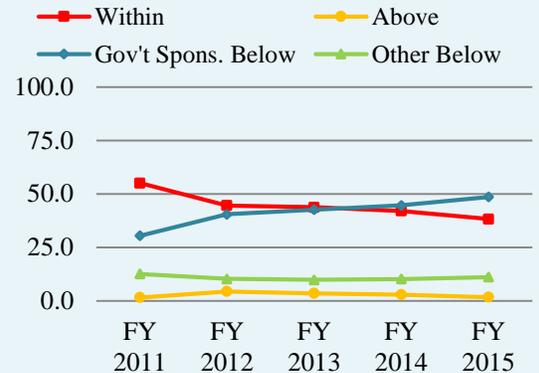
# Quick Facts

## Alien Smuggling Offenses

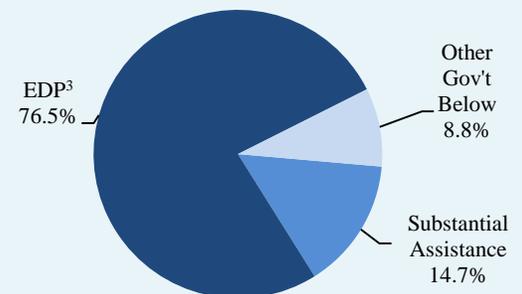
### Sentences Relative to the Guideline Range

- For each of the past five years, the percentage of alien smuggling offenders sentenced within the guideline range has decreased from 55.1% in fiscal year 2011 to 38.3% in fiscal year 2015.
- In 48.6% of alien smuggling cases in fiscal year 2015, offenders received a sentence below the applicable guideline range because the government sponsored the below range sentence.
  - Substantial assistance departures were granted in 7.2% of cases involving alien smuggling.
    - These offenders received an average reduction of half off their sentence (50.2%).
  - Early Disposition Program (EDP) departures applied in 37.2% of alien smuggling cases.
    - These offenders received an average reduction of 36.7% in their sentence.
- The rate of non-government sponsored below range sentences for alien smuggling offenders decreased from 12.6% in fiscal year 2011 to 11.2% in fiscal year 2015.
  - These offenders received an average reduction of more than half (52.4%) off their sentence in fiscal year 2015.
- The average sentence and the average guideline minimum for alien smuggling offenses have remained constant over the last five years.
  - The average sentence was 16 months in fiscal year 2011 and 15 months in fiscal year 2015;
  - The average guideline minimum was 18 months in fiscal year 2011 and 19 months in fiscal year 2015.

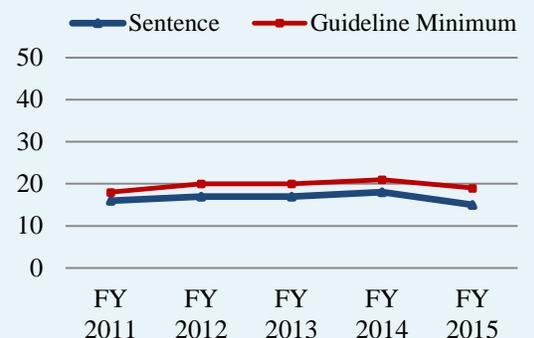
### Sentence Relative to the Guideline Range



### Government Sponsored Below Range Sentences FY 2015



### Average Sentence and Average Guideline Minimum (in months)



<sup>3</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.

