



QuickFacts

Federally Sentenced Non-U.S. Citizens

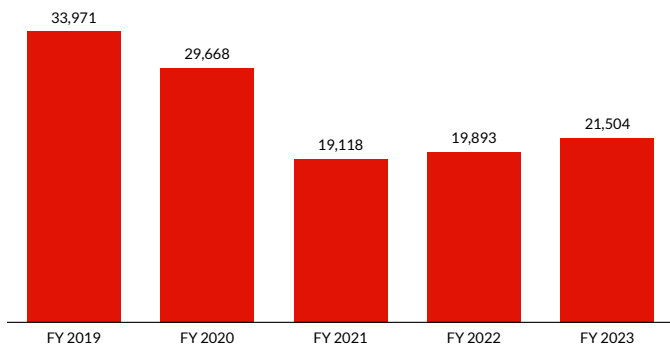
Population Snapshot

64,124 cases were reported in FY23;

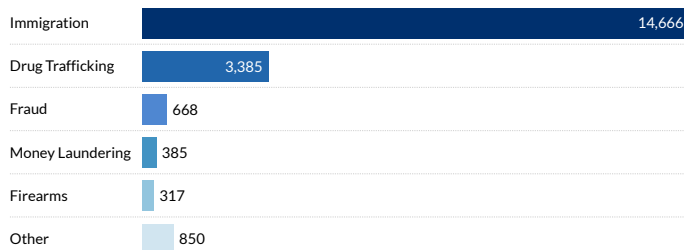
21,504 of these involved non-U.S. citizens.

Non-U.S. citizens accounted for **33.7%** of all individuals sentenced in FY23.

Number of Federally Sentenced Non-U.S. Citizens



Most Common Sentencing Guidelines



Individual and Offense Characteristics¹

94.1% of non-U.S. citizens sentenced in the federal system were men.

93.2% were Hispanic, 2.4% were Black, 2.3% were White, and 2.0% were Other races.

Their average age was 38 years.

88.4% were illegal aliens, 8.8% were legal aliens, 1.1% were extradited aliens, and 1.7% were unknown status.

67.1% were from Mexico, 7.4% from Honduras, 5.4% from Guatemala, 3.8% from the Dominican Republic, 3.7% from El Salvador, and 12.6% originated from other countries.

The most common guidelines under which non-U.S. citizens were sentenced include: Immigration (72.3%); Drug Trafficking (16.7%); Fraud (3.3%); Money Laundering (1.9%); and Firearms (1.6%).²

48.7% had little or no prior criminal history (Criminal History Category I);

- 20.8% were CHC II;
- 17.9% were CHC III;
- 7.5% were CHC IV;
- 3.2% were CHC V;
- 1.9% were CHC VI.

The top five districts for sentenced non-U.S. citizens were:

- Western District of Texas (5,136);
- Southern District of Texas (3,909);
- District of Arizona (2,927);
- District of New Mexico (1,175);
- Southern District of California (978).

The top five districts where sentenced non-U.S. citizens comprised the highest proportion of the overall caseloads were:

- District of Northern Mariana Islands (91.7%);
- Western District of Texas (69.7%);
- Southern District of Texas (65.7%);
- District of Arizona (63.0%);
- District of New Mexico (59.2%).



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Federally Sentenced Non-U.S. Citizens

Punishment

- The average sentence for non-U.S. citizens was 27 months.³
- 97.8% were sentenced to prison.
- 13.9% were convicted of an offense carrying a mandatory minimum penalty.

Sentences Relative to the Guideline Range

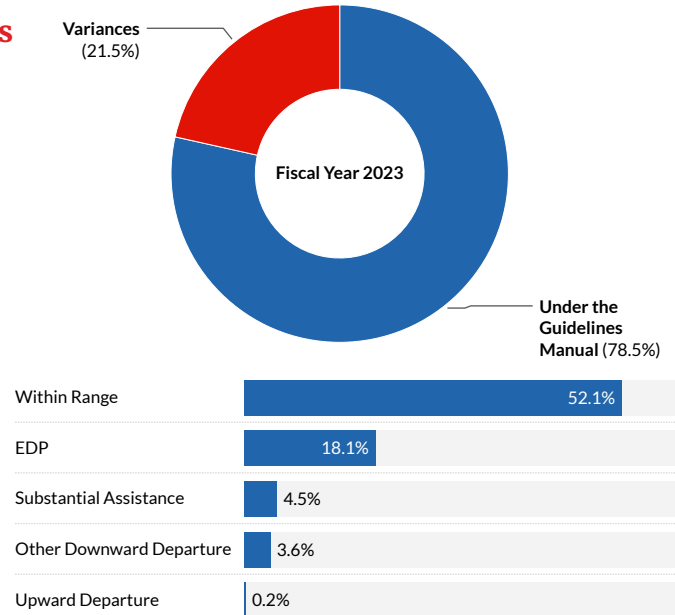
Of the 78.5% of non-U.S. citizens sentenced under the *Guidelines Manual*:

- 66.3% were sentenced within the guideline range.
- 23.1% received an Early Disposition Program (EDP) departure.⁴
 - Their average sentence reduction was 44.3%.
- 5.7% received a substantial assistance departure.
 - Their average sentence reduction was 52.3%.
- 4.6% received some other downward departure.
 - Their average sentence reduction was 39.5%.
- 21.5% received a variance; of those:
 - 83.8% received a downward variance.
 - Their average sentence reduction was 39.9%.
 - 16.2% received an upward variance.
 - Their average sentence increase was 70.5%.

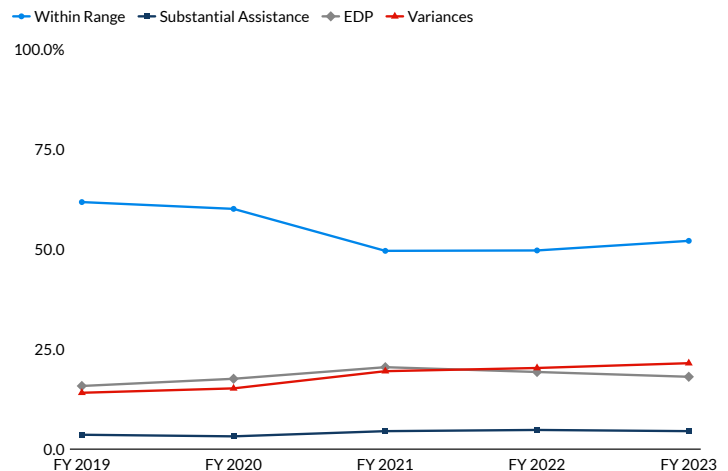
The average guideline minimum and average sentence imposed fluctuated over the past five years.

- The average guideline minimum was 25 months in fiscal year 2019 and 35 months in fiscal year 2023.
- The average sentence imposed increased and decreased throughout the fiscal years. The average sentence imposed was 20 months in fiscal year 2019 and 27 months in fiscal year 2023.

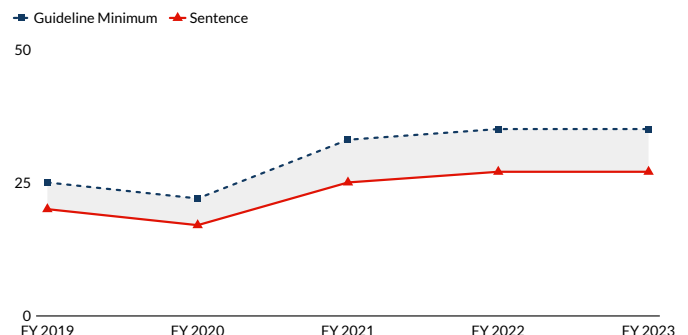
Sentences Relative to the Guideline Range



Sentences Relative to the Guideline Range



Average Guideline Minimum and Average Sentence (in months)



¹ Cases with incomplete sentencing information were excluded from the analysis.
² The most common guidelines under which U.S. citizens were sentenced include: Drug Trafficking (37.4%); Firearms (20.5%); Fraud (10.4%); Immigration (8.2%); Robbery (3.5%); Child Pornography (3.3%); and Sexual Abuse (3.2%).
³ The average sentence for U.S. citizens was 68 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.