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Immigration Offenders in the Federal Criminal Justice System, 2000

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In fiscal year 2000, 16,495 persons were referred to U.S. attorneys for a suspected immigration offense as the most serious charge. This represents a record high in a rising trend following passage of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996.

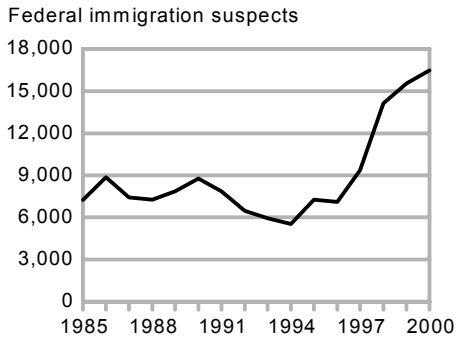
In addition to immigration offenses, U.S. attorneys prosecuted an increased number of noncitizens charged with other offenses — particularly drug trafficking offenses. Between 1985 and 2000 the number of noncitizens prosecuted by U.S. attorneys for drug trafficking offenses increased from 1,799 to 7,803.

The 1996 act authorized increases in law enforcement by the U.S. Immigration and Naturalization Service (INS). Following enactment, the number of INS law enforcement officers increased from 12,403 to 17,654. The Border Patrol received almost two-thirds of the additional officers. About 75% of the increase in referrals to U.S. attorneys for immigration offenses between 1996 and 2000 was observed in the five States that received the greatest number of new INS officers.

Seventy-five percent of the immigration suspects referred to U.S. attorneys during 2000 were investigated for

Highlights

During 2000, 16,495 persons were referred to U.S. attorneys for a suspected immigration offense as the most serious charge



• From 1996 to 2000 the number of persons referred to U.S. attorneys for a suspected immigration offense as the most serious charge more than doubled from 7,100 to over 16,000. During the 10 years prior to 1996 the annual number of suspected immigration offenders ranged from 5,500 to 8,800.

• The number of defendants prosecuted for an immigration offense rose from 6,605 in 1996 to 15,613 in 2000.

• 75% of immigration offenders were charged with unlawfully entering (25%) or reentering (50%) the United States; 20% were charged with alien smuggling; and 5% were charged with offenses relating to misuse of visas or other immigration offenses.

• 57% of suspected immigration offenders were Mexican citizens; 7%, U.S. citizens; 3%, Chinese; and 33% all other or unknown nationalities. Mexicans (87%) and Chinese (93%) were most often charged with unlawful entry or reentry; U.S. citizens (64%) were most often charged with alien smuggling.

• The number of immigration offenders serving a Federal prison sentence increased from 1,593 during 1985 to 13,676 during 2000. Average time to be served by immigration offenders entering Federal prison increased from about 4 months in 1985 to 21 months in 2000.

• 13% of immigration offenders released from Federal prison during 1995-97 were readmitted within 3 years of release: 77% for a new offense, 22% for a supervision violation, and 1% for other reasons.

unlawfully entering or reentering the United States. Twenty percent were investigated for smuggling aliens and 5% for misuse of visas or other immigration violations (table 1).

The incarceration rate of convicted immigration offenders increased from 57% to 91% between 1985 and 2000. Average time to be served in prison increased from 3.6 months to 20.6 months over the same period. These increases were due in part to changes in Federal sentencing policy during the 1980's and 1990's, which increased the likelihood that immigration offenders would be sentenced to prison and that their sentences would be longer.

Increased prosecutions and changes to sentencing policy have had a substantial effect on the size of the Federal prison population. Between 1985 and 2000 the number of immigration offenders serving a sentence of imprisonment at yearend increased almost 9-fold — from 1,593 to 13,676.

The increase in immigration offenders incarcerated accounted for 14% of the overall growth in the Federal prison population between 1985 and 2000.

Table 1. Suspects referred to U.S. attorneys for an immigration offense as the most serious charge, 2000

Immigration offense	Number	Percent
Total	16,495	100.0%
Smuggling, transporting, or harboring unlawful aliens	3,338	20.2%
Unlawful entry or reentry	12,352	74.9%
Improper entry	4,018	24.4
Reentry by removed aliens	8,334	50.5
Misuse of visas and other	805	4.9%

Note: Data describe suspects with an immigration offense as the lead charge.
Data source: Executive Office for U.S. Attorneys, central system data file, fiscal year.

Nationality of persons investigated

Over half (57%) of suspects investigated by U.S. attorneys for immigration offenses during 2000 were citizens of Mexico (table 2). Most (87%) of the Mexicans investigated were suspected of unlawfully entering or reentering the United States — 63%, reentry by a removed alien; 24%, improper entry; 11%, alien smuggling; and 3%, offenses related to misuse of visas and other immigration violations.

Persons from countries in Asia and Oceania comprised the second largest group of noncitizens investigated for immigration offenses (4%). Most of the Chinese nationals investigated were suspected of unlawful entry into the United States (93%); 5%, alien smuggling; 2%, misuse of visas; and 1%, reentry. While more than half of suspects from other Asian countries were charged with unlawful entry or reentry, they were among those most

Table 2. Nationality of suspects in matters referred to U.S. attorneys for immigration offenses as the most serious charge, 2000

	Immigration offenses					
		Unlawful entry or reentry				
Geographic region and nationality	Number	Total	Improper entry	Reentry by removed alien	Smuggling	Misuse of visas/other
Total[a]	16,495	74.9%	24.4%	50.5%	20.2%	4.9%
U.S. citizen	1,110	29.8%	13.3%	16.5%	64.3%	6.0%
Mexico	9,425	86.6%	23.7%	62.9%	10.8%	2.6%
Other countries[b]	1,817	82.9%	45.5%	37.4%	9.7%	7.5%
Asia and Oceania						
China	433	93.1	92.4	0.7	5.1	1.9
Other	165	60.6	35.8	24.9	28.5	10.9
Central America						
Honduras	223	91.9	31.8	60.1	3.6	4.5
El Salvador	113	92.0	40.7	51.3	6.2	1.8
Guatemala	67	77.6	22.4	55.2	1.5	20.9
Other	25	92.0	32.0	60.0	4.0	4.0
Caribbean						
Dominican Republic	190	89.0	13.2	75.8	4.7	6.3
Other	198	85.4	40.4	45.0	9.1	5.6
Europe	134	73.1	29.9	43.3	16.4	10.5
South America						
Colombia	55	70.9	7.3	63.6	10.9	18.2
Other	56	73.2	21.4	51.8	10.7	16.1
Not indicated on arrest record	2,835	78.1%	25.5%	52.6%	13.4%	8.5%

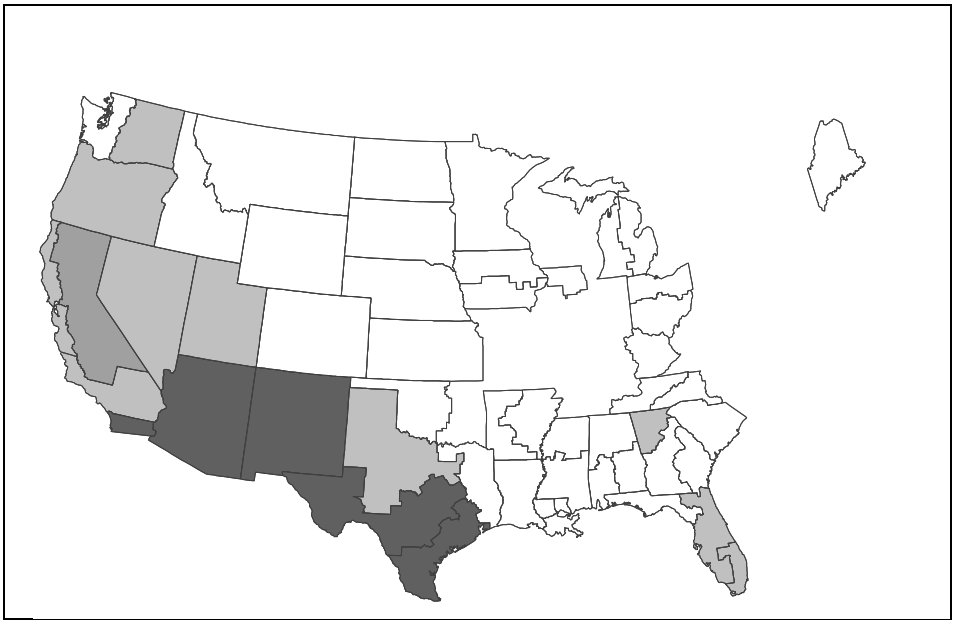
[a]Includes 1,308 suspects for whom an investigation record could not be matched with an arrest record to ascertain nationality.
[b]Includes 158 suspects from other countries not listed explicitly.
Data source: Composite: Executive Office for U.S. Attorneys and U.S. Marshals Service, Prisoner Tracking System, annual.

Immigration violations as a secondary charge

In fiscal year 2000, 16,495 matters were referred to U.S. attorneys for a suspected immigration offense as the primary charge. In an additional 919 matters persons were suspected of an immigration offense as one or a number of secondary charges only.

Among these 919 matters,
! 9% involved smuggling as a secondary offense
! 27% entry
! 45% reentry
! 25% misuse of visas and other immigration offenses.

In over half (56%) of the 919 matters, the secondary immigration offense was associated with a primary charge of fraud. Drug trafficking was the primary charge in 24%, and a weapons offense, the primary charge in about 6% of matters.



likely to be charged with alien smuggling (29%).

U.S. citizens are not immune from prosecution for immigration offenses. During 2000, 7% (or 1,110) of suspected immigration offenders were U.S. citizens. Of these, 64% were suspected of alien smuggling and 30% charged with otherwise furthering the entry or reentry of a noncitizen into the United States.

Geographical distribution of immigration suspects

During 2000, 63% of all the persons (or 10,331) suspected of immigration offenses were referred to U.S. attorneys in 5 Federal judicial districts: Texas, Western (18%), California, Southern (14%), Arizona (13%), Texas, Southern (11%), and New Mexico (6%). In each district the U.S. attorneys received more than 1,000 referrals (figure 1). Among these five judicial districts, immigration offenses accounted for 39% of all referrals made to U.S. attorneys: Texas, Western (39% of all referrals); California, Southern (44%); Arizona (43%); Texas, Southern (31%); and New Mexico (38%) (not shown in a table).

Suspects in matters concluded by U.S. attorneys

During 2000 U.S. attorneys concluded 16,110 matters involving a person suspected of an immigration offense as the most serious charge (table 3).

Persons suspected of immigration offenses accounted for 14% of all matters concluded by U.S. attorneys in 2000 (*Federal Criminal Case Processing, 2000,* BJS report, NCJ 190379, table 3).

About 75% of suspects in immigration matters concluded were investigated for unlawfully entering (25%) or reentering (50%) the United States. Additionally, 20% were investigated for smuggling, transporting, or harboring unlawful aliens, and 5% were suspected of misuse of visas and other offenses related to removal of aliens.

Compared to prosecutorial declinations for other offenses, U.S. attorneys refused to prosecute few referrals for immigration offenses. During 2000, 3% of immigration offense referrals and 26% of all referrals were declined for Federal prosecution. (*Federal Criminal Case Processing, 2000,* BJS report, NCJ 190379, table 3). Immigration offenses involving unlawful entry or reentry were the most likely to be prosecuted (98%), while those involving misuse of visas and other violations (90%) were the least likely (table 3).

Available data describing alien smuggling offenses indicate that in the 2,043 cases investigated by the INS Inspections Division during 1999 a total of 41,364 smuggled aliens were located and arrested (INS, *1999 Statistical Yearbook,* table 59). For those defendants who were convicted of alien smuggling and sentenced during 1999, 70% smuggled 6 or more aliens into the United States (table 4).

About 20% of defendants convicted of alien smuggling and sentenced during 1999 received an enhanced sentence for risking (18%) or actually causing bodily harm (2%) to those they attempted to smuggle into the United States.

Characteristics of defendants charged

Demographic characteristics

According to data collected by the Pretrial Services Administration, most (87%) of the 14,540 Federal defendants charged with an immigration offense, were Hispanic; 4% were identified as white; 3% black; and 6% all other races and ethnicities (table 5). More than 9 in 10 were male. More than half were age 30 or younger; 33%, 31 to 40; and 14%, over age 40.

Criminal history

More than two-thirds of the defendants charged with an immigration offense were identified as having been previously arrested. Thirty-six percent had been arrested on at least 5 prior occasions; 22%, 2 to 4 times; and 12%, 1 time (table 6).

Sixty-one percent of those defendants had been convicted at least once; 18%, 5 or more times; 26%, 2 to 4 times; and 17%, 1 time. Of those charged, 49% had previously been convicted of a felony: 20% of a drug offense; 18%, a violent offense; and 11%, other felony offenses. Twelve percent had previously been convicted of a misdemeanor.

Defendants charged with unlawful reentry had the most extensive criminal histories. Nine in ten had been previously arrested. Of those with a prior arrest, half had been arrested on at least 5 prior occasions (figure 2).

Fifty-six percent of those charged with a reentry offense had previously been convicted of a violent or drug-related felony (figure 3). By contrast, under half of those charged with alien smuggling, a third of those charged with unlawful

Types of prior conviction offense of defendants charged with immigration offenses, 2000

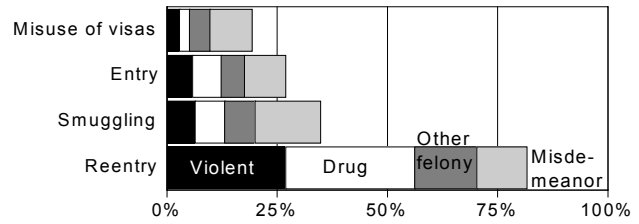


Figure 3

Table 5. Demographic characteristics of Federal defendants charged with immigration offenses, 2000

Characteristic of Federal immigration defendants	Number	Percent
Total	14,540	100%
Gender		
Male	13,406	92.3%
Female	1,117	7.7
Race/ethnicity		
White	638	4.4%
Black	419	2.9
Hispanic	12,557	87.1
Other	801	5.6
Age		
Under 19 years	275	1.9%
19 to 20	823	5.7
21 to 30	6,643	45.8
31 to 40	4,719	32.6
Over 40 years	2,037	14.1

Note: Represents defendants charged with a felony or Class A misdemeanor immigration offense as the most serious charge. Information about gender was missing for 17 defendants, race/ethnicity for 125, and age for 43.

Data source: Administrative Office of the U.S. Courts, pretrial services data file, fiscal year.

Table 6. Criminal history of Federal defendants charged with immigration offenses, 2000

Characteristic	Number	Percent
Total	14,540	100%
Number of prior arrests		
None	4,341	29.9%
1	1,789	12.3
2 to 4	3,238	22.3
5 or more	5,172	35.6
Number of prior convictions		
None	5,656	38.9%
1	2,474	17.0
2 to 4	3,736	25.7
5 or more	2,674	18.4
Nature of prior convictions		
No prior convictions	5,656	38.9%
Felony	7,153	49.2
Violent	2,672	18.4
Drug	2,891	19.9
Other	1,590	10.9
Misdemeanor	1,731	11.9
Criminal justice status at arrest		
Not under supervision	6,692	46.0%
Pretrial release	117	0.8
Parole/supervised release	659	4.5
Probation	649	4.5
Immigration status in question	4,337	29.8
Other	2,086	14.3

Note: Represents defendants charged with a felony or Class A misdemeanor immigration offense as the most serious charge. "Other" includes defendants with warrants, walk-off status, or unknown criminal justice status.

Data source: Administrative Office of the U.S. Courts, pretrial services data file, fiscal year.

Number of prior arrests for defendants charged with immigration offenses, 2000

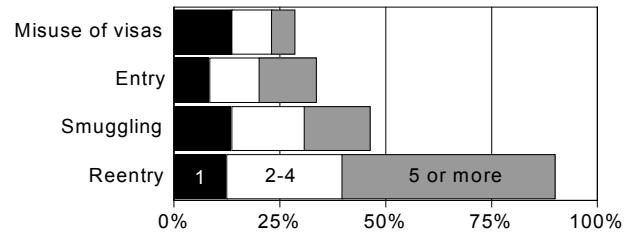


Figure 2

entry, and just over a quarter those charged with misuse of visas and other charges had previously been arrested. The criminal histories of these defendants were generally less extensive: more than 70% had been previously arrested fewer than 5 times (figure 2).

Trends in prosecution of immigration offenses, 1985-2000

Between 1985 and 2000 the number of persons referred to U.S. attorneys for a suspected immigration offense — as the most serious charge — increased from 7,239 to 16,495 (figure 4). The number of defendants charged during this period increased from 6,744 to 15,613. While the number of referrals to U.S. attorneys for suspected immigration offenses fluctuated during the pre-1996 period, following passage of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Pub. L. 104-208, 110 Stat. 3009), referrals to U.S. attorneys increased substantially.

Among its several provisions, the 1996 act authorized increases for INS law enforcement, particularly Border Patrol officers. INS law enforcement grew 42% from 12,403 officers during 1996 to 17,654 during 2000.

	1996	2000
Total	12,403	17,654
Type of assignment		
Border Patrol	5,441	8,819
Inspection or investigation	5,260	6,317
Deportation or detention	1,702	2,518
Top 5 States of employment		
Texas	3,164	5,044
California	3,587	4,560
Arizona	1,015	2,135
New York	949	1,184
Florida	637	789

Source: BJS, Federal Law Enforcement Officers statistical series.

About 84% of the increase in INS law enforcement officers occurred in 5 States: Texas (1,880 additional officers), Arizona (1,120), California (973), New York (235), and Florida (152). In addition, between 1996 and 2000 referrals to U.S. attorneys in Texas, Arizona, California, New York, and Florida for immigration offenses

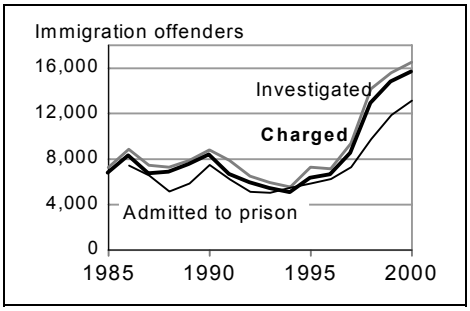


Figure 4

increased from 5,070 during 1996 to 12,118 during 2000 (not shown in a table). These States accounted for 75% of the overall increase in the number of immigration referrals to U.S. attorneys.

Changes in Federal sentencing law also had a substantial impact on the processing of immigration offenders, by increasing the average length of prison sentences and requiring offenders to serve a greater proportion of the sentence imposed.

After sentencing guidelines were implemented in 1987, the proportion of immigration offenders convicted of a felony who were sentenced to prison increased from 57% in 1985 to 91% in 2000 (*Compendium of Federal Justice Statistics,* annual). For immigration offenders entering prison, time to be served increased from 3.6 months, on average, during 1985-87 to 20.6 months during 2000 (figure 5).

The increase in average time to be served followed amendments to the Federal sentencing guidelines that addressed immigration offenders with serious criminal histories. These amendments included substantial sentencing enhancements for immigration offenders who had previously been

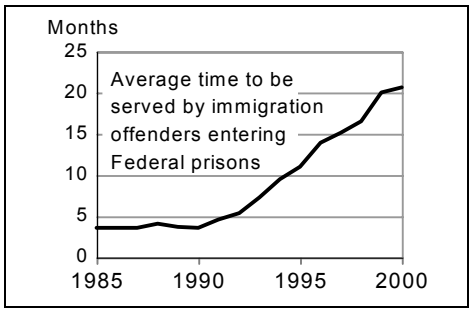


Figure 5

deported after a conviction for an "aggravated felony" such as violent drug trafficking or felony property offenses or who were convicted of smuggling more than six aliens. (See, U.S.S.G. App. C, Nos. 193, 196, 375, 450, and 524.)

Following these amendments, the 4-to-10 month base sentencing range for defendants convicted of unlawfully re-entering the United States after conviction of an "aggravated felony" increased from 57 to 71 months.[1] The 10-to-16 month base sentencing range for defendants involved with alien smuggling increased to the following: 18 to 24 months for smuggling 6 to 24 aliens; 27 to 33 months for smuggling 25 to 99 aliens; and 47 to 46 months for smuggling 100 or more aliens.[2]

A greater INS presence in the Southwest and more severe penalties for immigration offenses have accompanied an increase in the number of immigration offenders in Federal prisons. Between 1985 and 2000 the number of immigration offenders under sentence in a Federal prison increased from 1,593 to 13,676 (figure 6).

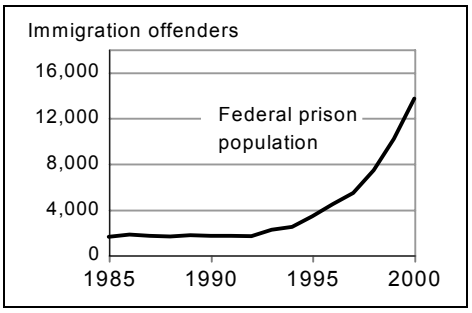


Figure 6

[1]Guideline range increases assume Criminal History Category II, which represents a single prior conviction resulting in a sentence of more than 1 year. For defendants with more extensive criminal histories such as those classified in Criminal History Category VI – more than 4 prior sentences of more than 1 year – the 18-to-24 month base sentencing range became 100 to 125 months.

[2]Guideline range increases assume Criminal History Category I.

Defendants adjudicated in the Federal courts

During 2000, 96% of those adjudicated of an immigration offense were convicted (table 7). Of those defendants convicted, 85% were sentenced to prison, 5% were sentenced to probation, and 10% received another sanction such as a fine. Defendants charged with unlawful reentry were the most likely to receive a prison sentence (95%); those charged with misuse of visas and other violations, the least (70%).

Among immigration offenders, defendants convicted of unlawful reentry were likely to have received the longest prison terms, an average of 36 months. Those convicted of misuse of visas and other immigration violations received on average the shortest — 13 months (figure 7).

Offenders under Federal correctional supervision

Incarcerated

During 2000, 13,676 offenders convicted of an immigration offense were serving a sentence of imprisonment in Federal prisons: 89% following a conviction for unlawfully entering or reentering the United States; 11%, alien smuggling; and less than 1%, offenses relating to the misuse of visas and other immigration violations (table 8).

Table 7. Defendants adjudicated in Federal courts of an immigration offense as the most serious charge, 2000

Case processing event	Percent of immigration offense defendants, by type of offense					
			Unlawful entry or reentry			Misuse of visas/other
	All	Smuggling	Total	Entry	Reentry	
Outcome						
Not convicted	4.0%	5.1%	3.7%	4.0%	3.6%	3.9%
Convicted	96.0	94.9	96.3	96.0	96.4	96.1
Type of sentence imposed*						
Prison	85.4%	76.1%	88.4%	71.4%	94.8%	69.9%
Probation	4.5	15.4	1.5	3.7	0.7	6.0
Other	10.1	8.5	10.1	25.0	4.4	24.1
Number of defendants	12,429	2,590	9,528	2,623	6,905	311

*Convicted defendants only.
Data source: Administrative Office of the U.S. Courts, criminal master file, 2000.

Table 8. Immigration offenders under correctional supervision, by offense of conviction, 2000

Type of correctional supervision	Immigration offenders, by type of offense			
	All	Smuggling	Unlawful entry or reentry	Misuse of visas and other
Total	15,876	2,975	12,770	131
Prison	13,676	1,493	12,143	40
Community supervision	2,200	1,482	627	91
Probation	1,329	731	535	63
Supervised release	871	751	92	28

Data sources: Bureau of Prisons, SENTRY data file; Administrative Office of the U.S. Courts, FPSIS data file.

Table 9. Immigration offenders returning to Federal prison within 3 years of release from a U.S. district court commitment, 1995-1997

Characteristic	Number released	Percent of offenders returned to Federal prison			
			Reason		
		Total	New offense	Supervision violation	Other
Total*	15,429	13.2%	76.6%	22.1%	1.2%
Original offense of conviction					
Smuggling, transporting, or harboring unlawful aliens	1,596	12.9%	45.2%	53.9%	1.0%
Unlawful entry or reentry	13,487	13.1	80.3	18.4	1.3
Misuse of visas and other	--	--	--	--	--
Age at first release					
Under 19 years	200	11.5%	87.0%	13.0%	--
19 to 20	917	9.1	84.3	14.5	1.2%
21 to 30	7,862	12.8	78.3	20.9	0.9
31 to 40	4,958	14.4	76.3	22.8	0.8
Over 40 years	1,490	14.0	65.6	30.1	4.3
Citizenship					
U.S. citizen	296	27.4%	25.9%	74.1%	0.0%
Noncitizen	15,133	12.9	78.7	20.0	1.3
Mexico	13,574	13.7	79.4	19.4	1.2
Other	1,559	5.9	65.2	31.5	3.3

*Total includes observations for which a specific characteristic was not recorded.
--No observations.
Data source: Bureau of Prisons, SENTRY data file, annual.

Average length of prison sentence for convicted immigration offenders, 2000

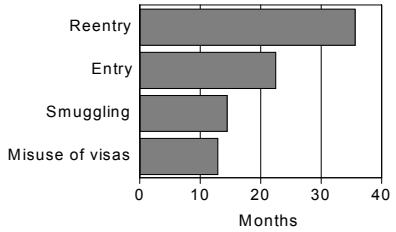


Figure 7

Community supervision

In addition to offenders held in Federal prisons, 2,200 offenders convicted of an immigration offense were serving a term of community supervision: 60% term of probation and 40%, supervised release. About two thirds of defendants serving a sentence of community supervision had been convicted of alien smuggling; 29% entry/reentry; and 4% misuse of visas and other offenses.

Immigration offenders returning to Federal prison

Approximately 13% of immigration offenders released from Federal prison during 1995-97 were readmitted within 3 years (table 9). These offenders most often (77%) were returned following a conviction for a new Federal offense; 22% were returned following adjudication of a supervision violation; and 1% for other reasons. More than 90% of offenders who were returned for a new offense were readmitted following a conviction for an immigration offense (not shown in a table).

Overall, immigration offenders who were readmitted within 3 years of their first release served 28 months, on average, for the original conviction (not shown in a table). The interval from release to readmission was approximately 18 months, on average; 30% of the immigration offenders who were readmitted returned within the first year following release. Upon readmission, the estimated time these offenders could expect to serve was 22 months.

Apprehending and removing illegal aliens

The INS has the initial responsibility for determining who may be admitted to the United States. The INS also has the responsibility for enforcing immigration laws. Border Patrol agents or Investigations special agents perform almost all the work of locating and arresting illegal aliens. Immigration inspectors work to prevent the entry of inadmissable aliens at a port of entry.

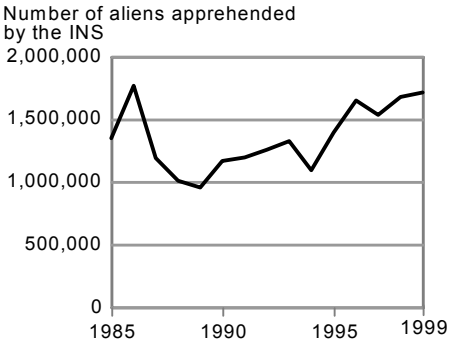
Approximately 30 million aliens legally enter the United States annually (INS, *1999 Statistical Yearbook,* table 37). Almost all (98%) are temporary admissions — primarily for pleasure. While the total number of aliens unlawfully entering the United States is not known, during 1999 INS agents apprehended 1,714,035 aliens who had unlawfully entered or remained in the United States (figure).

Of these apprehensions —

- 90% were made along the Southwest border
- 95% involved Mexicans
- 98% entered the United States without inspection (INS, table 58).

Criminal prosecution of illegal aliens represents a small component of the INS enforcement strategy. The INS can remove an alien from the United States by initiating a formal deportation, exclusion, or removal proceeding or by offering the alien the opportunity to depart voluntarily.

During 1999 the INS removed almost 1.8 million aliens who unlawfully entered or remained in the United States (INS, table 60). Of these, 90% accepted an offer of voluntary departure and 10% were removed following a formal removal proceeding such as a determination of deportability or inadmissability.



Defendants returning for new crimes could expect to serve longer terms upon readmission (25 months) than those returning for supervision violations (14 months).

Offenders originally convicted of alien smuggling returned at a greater rate for supervision violations (54%) than those convicted of unlawful entry or reentry (18%) (table 9). Offenders convicted of unlawful entry or reentry, on the other hand, were more likely to return for new offenses (80%) than those convicted of alien smuggling (45%).

Older offenders were more likely to return than younger offenders: about 14% of offenders 31 years or older were readmitted to Federal prison compared to roughly 10% of those 30 years or younger.

While U.S. citizens were the most likely to be readmitted (27%), they were returned to prison primarily for supervision violations. Most of the noncitizens (79% of the Mexicans who were readmitted) were returned for new offenses.

Noncitizens prosecuted in Federal courts and incarcerated in Federal prisons

Between 1985 and 2000 the number of noncitizens charged with an offense in Federal courts increased from 4,539 to 23,477 (table). More than half of the increase in the number of noncitizens prosecuted can be attributed to the increase in immigration offenders from 1,636 to 12,364.

Noncitizens charged with an offense in Federal courts, 1985-2000

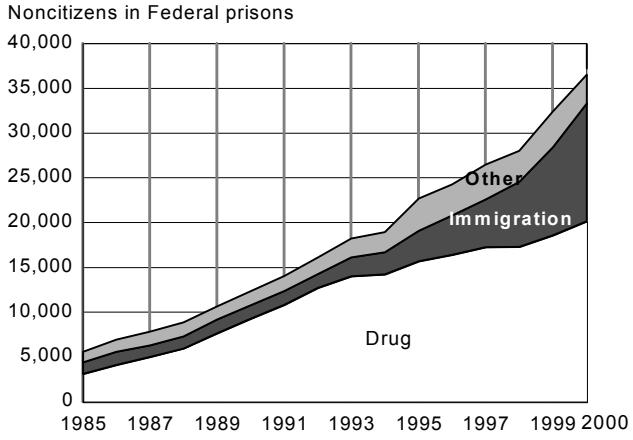
		Offense charged		
Year	Total	Drug	Immigration	Other
1985	4,539	1,799	1,636	1,104
1986	4,230	1,805	1,240	1,185
1987	6,215	3,287	1,166	1,762
1988	8,419	3,980	2,474	1,965
1989	10,087	4,473	3,309	2,305
1990	Data not available			
1991	9,583	4,182	3,453	1,948
1992	9,761	4,506	3,183	2,072
1993	10,679	5,274	3,022	2,383
1994	10,352	4,633	3,477	2,242
1995	13,595	5,234	5,315	3,046
1996	15,866	5,786	7,009	3,071
1997	17,374	6,045	8,232	3,097
1998	21,368	7,079	11,414	2,875
1999	20,812	7,248	10,539	3,025
2000	23,477	7,803	12,364	3,310

Note: Changes in the structure of the pretrial file during 1990 made unavailable the data describing noncitizens prosecuted.
Data source: Administrative Office of the U.S. Courts, pretrial services agency data file, annual.

In 2000 U.S. attorneys in five Federal judicial districts prosecuted over half the noncitizens: Arizona (17.1%), Texas, Southern (11.7%), California, Southern (10.1%), Texas, Western (8.7%), and New Mexico (5.6%) (not shown in a table).

Noncitizens accounted for about a third of the growth in the Federal prison population, 1985-2000 (not shown in a table). In 1985, 5,561 noncitizen Federal inmates were 14% of the total; in 2000, 37,243 noncitizen inmates were 29% of all Federal prisoners (figure). During 2000, 54% of noncitizen inmates had been convicted of a drug offense; 35% of an immigration offense; and 11% of other offenses.

Two-thirds of the growth in the number of noncitizen inmates from 1996 to 2000 was related to the increase in immigration offenders. The number of noncitizen immigration offenders in Federal prisons increased from 4,411 during 1996 to 13,162 during 2000.



Selected Federal immigration statutes

Immigration offenses in this report are defined according to the BJS filing offense classification which is based on the classification procedure followed by the Administrative Office of the U.S. Courts. Immigration is one of 41 offense categories in the BJS classification system and is composed largely of the following Federal statutes:

Smuggling, transporting, and harboring

8 U.S.C. § 1322: prohibits bringing into the United States an alien(s) subject to denial of admission due to lack of the proper authorization or documentation.
8 U.S.C. § 1323: prohibits unlawful bringing of aliens into the United States.
8 U.S.C. § 1324: prohibits bringing in and harboring certain aliens.
8 U.S.C. § 1327: prohibits aiding or assisting certain aliens to enter the United States.

Unlawful entry and reentry

8 U.S.C. § 1325: prohibits improper entry by an alien.
8 U.S.C. § 1326: prohibits reentry of removed aliens.

Misuse of visas and other violations

18 U.S.C. § 1546: prohibits fraud and misuse of visas, permits, and other documents.
8 U.S.C. § 1252 and *8 U.S.C. § 1253*: involves orders of removal of aliens and penalties related to removal.
8 U.S.C. § 1321: prohibits persons from failing to prevent the unauthorized entry of aliens.

Immigration related offenses which are not classified as immigration offenses in this report include the following: importation of aliens for immoral purposes such as prostitution *(8 U.S.C. § 1328*) which is classified technically as a sex offense rather than as an immigration offense; false impersonation as a U.S. citizen (*18 U.S.C. § 911*), reproduction of citizenship papers (18 U.S.C. § 1426), and false statements in application and use of a passport (*18 U.S.C. § 1542*) which largely are classified as fraud offenses.

For additional information about the Federal Justice Statistics Program's offense classification procedures, see *Methodology* section of the *Compendium of Federal Justice Statistics, 2000*, NCJ-194067.

This and other reports presenting criminal justice statistics, together with graphs, electronic files, and data online, may be accessed at the BJS website <http://www.ojp.usdoj.gov/bjs/>.

Available through the BJS website, the Federal Justice Statistics

The Bureau of Justice Statistics is the statistical agency of the U.S. Department of Justice. Lawrence A. Greenfeld is director.

John Scalia and Marika F. X. Litras, statisticians formerly with BJS, wrote this report under the supervision of Steven Smith. Carol J. DeFrances and Keonna Feaster provided statistical review and verification. William Adams, Avi Bhati, Barbara Parthasarathy, Juliet Scarpa from the Federal Justice Statistics Resource Center staff, under the supervision of Laura Winterfield, provided technical assistance and review. The Administrative Office of the U.S. Courts staff and Pragati Patrick, under the supervision of Steven Schlesinger, provided substantive review. Tina Dorsey and Tom Hester edited this report.

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