U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Statistics

AUGUST 2019, NCJ 253116

Bureau of Justice Statistics • **Statistical Tables**

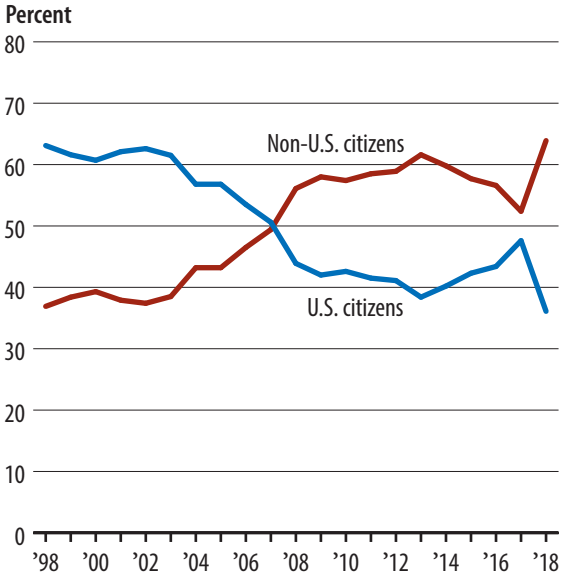
Immigration, Citizenship, and the Federal Justice System, 1998-2018

Mark Motivans, Ph.D., *BJS Statistician*

This report highlights trends in federal arrests and prosecutions by the country of citizenship of persons processed through the federal criminal justice system. It shows changes from 1998 through 2018. The report provides statistics on law enforcement and prosecutions along the U.S.-Mexico border, as well as in non-border areas. It shows the number of suspects arrested and prosecuted for both immigration and non-immigration offenses, including by their citizenship status. It details activities for all 94 federal judicial districts, while also separately detailing activities for the 5 districts along the U.S.-Mexico border. (See map on page 6.)

The statistical findings in this report are based on data from the Bureau of Justice Statistics' Federal Justice Statistics Program (FJSP). The FJSP receives administrative data from six federal justice agencies: the U.S. Marshals Service, Drug Enforcement Administration, Executive Office for U.S. Attorneys, Administrative Office of the U.S. Courts, U.S. Sentencing Commission, and Federal Bureau of Prisons. BJS links and standardizes this information to maximize comparability and to facilitate analysis across and within agencies over time.

FIGURE 1
Percent of all federal arrests, by citizenship status, FY 1998-2018



Note: Percentages based on available data. See table 4.
Source: Bureau of Justice Statistics, based on data from the U.S. Marshals Service, Justice Detainee Information System, fiscal years 1998-2018.

This enables the production of statistics that are not available elsewhere. See *Methodology* for additional details.

HIGHLIGHTS

Based on fiscal years—

- In 1998, 63% of all federal arrests were of U.S. citizens; in 2018, 64% of all federal arrests were of *non*-U.S. citizens **(figure 1 and table 4)**.
- Non-U.S. citizens, who make up 7% of the U.S. population (per the U.S. Census Bureau for 2017), accounted for 15% of all federal arrests and 15% of prosecutions in U.S. district court for non-immigration crimes in 2018 **(tables 7a and 13)**.
- The portion of total federal arrests that took place in the five judicial districts along the U.S.-Mexico border almost doubled from 1998 (33%) to 2018 (65%) **(table 6)**.
- Ninety-five percent of the increase in federal arrests across 20 years was due to immigration offenses **(table 1)**.
- In 2018, 90% of suspects arrested for federal immigration crimes were male; 10% were female **(table 9)**.

Other key findings

Citizenship

- Federal arrests of non-U.S. citizens more than tripled from 1998 to 2018 (rising 234%), while federal arrests of U.S. citizens rose 10% over the same period **(table 4)**.
- Federal arrests of non-U.S. citizens increased from 73,022 in 2017 to 125,027 in 2018, a 1-year increase of over 50,000 **(table 4)**.
- In 2018, non-U.S. citizens accounted for 24% of all federal drug arrests and 25% of all federal property arrests, including 28% of all federal fraud arrests **(table 7a)**.
- In 2018, 85% of federal arrests of non-U.S. citizens were for immigration offenses, and another 5% of arrests were immigration-related **(table 7b)**.

Citizenship by country

- In 2018, the number of federal arrests of Mexican citizens (78,062) exceeded the number of federal arrests of U.S. citizens (70,542) **(table 4)**.
- Federal arrests of Central Americans rose more than 30-fold over two decades, from 1,171 in 1998 to 39,858 in 2018 **(table 4)**.
- From 1998 to 2018, the share of all federal arrests by country of citizenship rose from 28% to 40% for Mexican citizens, rose from 1% to 20% for citizens of Central American countries, and fell from 63% to 36% for U.S. citizens **(table 4)**.

The border and immigration

- Federal arrests for immigration crimes increased from 20,942 in 1998 to 58,031 in 2017, and then to 108,667 in 2018 **(table 1)**.
- Males under the age of 30 accounted for more than half (51%) of the total increase in federal immigration arrests from 2017 to 2018 **(table 10)**.
- There were 21 federal criminal immigration arrests per 100 apprehensions by the U.S. border patrol in the southwest border patrol sectors in 2018, up from 12 per 100 in 2017 **(table 11)**.
- Federal arrests in the five judicial districts on the U.S.-Mexico border increased from 76,171 in 2017 to 126,293 in 2018 **(table 6)**.
- The number of Central Americans arrested in the five judicial districts along the U.S.-Mexico border almost tripled in one year, rising from 13,549 in 2017 to 37,590 in 2018 **(table 5)**.
- In 2018, a quarter of all federal drug arrests took place in the five judicial districts along the U.S.-Mexico border **(table 8a)**.

Prosecutions

- Of suspects prosecuted in U.S. district court in 2018, 57% were U.S. citizens and 43% were non-U.S. citizens **(table 13)**.
- Immigration suspects prosecuted in U.S. district court more than tripled from 1998 to 2018 **(table 16)**.
- Of non-U.S. citizens prosecuted in U.S. district court in 2018, 0.3% were prosecuted for first-time illegal entry; 99.7% were prosecuted for something else **(table 14)**.
- The five crime types for which non-U.S. citizens were most likely to be prosecuted in U.S. district court in 2018 were illegal reentry (72% of prosecutions), drugs (13%), fraud (4.5%), alien smuggling (4%), and misuse of visas (2%) **(table 14)**.
- The five crime types for which U.S. citizens were most likely to be prosecuted in U.S. district court in 2018 were drugs (38% of prosecutions), weapons (21%), fraud (12%), public order (12%), and alien smuggling (6%) **(table 14)**.
- In 2018, 74% of federal prosecutions for illegal reentry were prosecuted in U.S. district court, while 26% were prosecuted before a U.S. magistrate judge **(table 18)**.

List of tables

TABLE 1. Number of federal arrests by offense type, FY 1998-2018

TABLE 2. Number of non-U.S. citizen arrests by immigration and other offense types, FY 1998-2018

TABLE 3. Number of federal arrests in the five federal judicial districts along the U.S.-Mexico border, by offense type, FY 1998-2018

TABLE 4. Number of federal arrests by country of citizenship, FY 1998-2018

TABLE 5. Number of federal arrests in the five U.S.-Mexico border districts by country of citizenship, FY 1998-2018

TABLE 6. Federal arrests in U.S.-Mexico border districts and other federal judicial districts, FY 2018

TABLE 7a. Federal arrests by citizenship and federal judicial districts, by offense type (row percentages), FY 2018

TABLE 7b. Federal arrests by citizenship and federal judicial districts, by offense type (column percentages), FY 2018

TABLE 8a. Federal arrests in U.S.-Mexico border districts and other federal judicial districts, by most serious offense (row percentages), FY 2018

TABLE 8b. Federal arrests in U.S.-Mexico border districts and other federal judicial districts, by most serious offense (column percentages), FY 2018

TABLE 9. Federal immigration arrests by sex, age, citizenship, and country of citizenship, FY 1998, 2008, 2017, and 2018

TABLE 10. Federal immigration arrests by sex and age, FY 2017 and FY 2018

TABLE 11. Suspects arrested for federal criminal immigration offenses by Customs and Border Protection in the nine southwest border patrol sectors, FY 2013-2018

TABLE 12. Suspects in matters concluded by federal prosecutors, by offense type, FY 1998-2018

TABLE 13. Suspects prosecuted in U.S. district court by citizenship and offense type, FY 2018

TABLE 14. Suspects prosecuted in U.S. district court by offense type and citizenship, FY 2018

TABLE 15. Immigration suspects in matters concluded by federal prosecutors, by type of immigration offense and federal judicial districts, FY 2018

TABLE 16. Immigration suspects in matters concluded by federal prosecutors, by type of court, FY 1998-2018

TABLE 17. Immigration suspects in matters concluded by federal prosecutors, by type of immigration offense, FY 1998-2018

TABLE 18. Among all immigration suspects who were federally prosecuted, percent prosecuted in U.S. district court, by type of immigration offense, FY 1998-2018

TABLE 1

Number of federal arrests by offense type, FY 1998-2018

Fiscal year	Total	Immigration	Other offense*	Unknown offense
1998	103,866	20,942	82,863	61
1999	109,033	22,849	86,111	73
2000	115,025	25,205	89,760	60
2001	116,777	24,794	91,043	940
2002	121,610	25,270	95,353	987
2003	124,708	27,346	96,311	1,051
2004	138,223	39,135	98,159	929
2005	137,411	38,041	98,505	865
2006	144,072	47,013	96,275	784
2007	151,844	54,620	96,601	623
2008	173,463	78,033	94,783	647
2009	181,726	84,748	96,409	569
2010	179,034	82,255	96,052	727
2011	177,547	83,206	93,555	786
2012	172,248	85,458	85,923	867
2013	188,164	96,374	91,226	564
2014	165,265	81,881	82,931	453
2015	153,478	71,119	82,222	137
2016	151,460	68,315	83,143	2
2017	142,008	58,031	83,976	1
2018	195,771	108,667	87,086	18
Percent change, 1998-2018	88.5%	418.9%	5.1%	~
Percent change, 2017-2018	37.9%	87.3%	3.7%	~

Note: The unit of count is a federal arrest. Suspects with more than one arrest are counted separately. Most serious arrest is determined by the Deputy U.S. Marshal at booking. Excludes D.C. Superior Court arrests.

~Not available.

*Includes all other federal offense types (i.e., violent, property, drug, public order, weapons, supervision violations, and material witness).

Source: Bureau of Justice Statistics, based on data from the U.S. Marshals Service, Justice Detainee Information System, fiscal years 1998-2018.

TABLE 2

Number of non-U.S. citizen arrests by immigration and other offense types, FY 1998-2018

Fiscal year	Total	Immigration	Other offense*	Unknown offense
1998	37,486	19,556	17,912	18
1999	41,190	21,440	19,732	18
2000	44,564	23,598	20,943	23
2001	43,607	23,394	20,053	160
2002	44,892	23,641	21,087	164
2003	47,431	25,295	21,937	199
2004	58,976	36,419	22,362	195
2005	58,656	35,212	23,249	195
2006	66,164	43,865	22,101	198
2007	73,711	50,805	22,755	151
2008	95,598	74,000	21,447	151
2009	103,352	80,819	22,407	126
2010	98,956	75,327	23,430	199
2011	101,077	77,822	23,073	182
2012	97,683	78,286	19,223	174
2013	113,455	91,462	21,883	110
2014	95,424	75,584	19,759	81
2015	87,726	68,548	19,159	19
2016	84,548	65,124	19,424	0
2017	73,022	55,454	17,567	1
2018	125,027	105,748	19,279	0
Percent change, 1998-2018	233.5%	440.7%	7.6%	~
Percent change, 2017-2018	71.2%	90.7%	9.7%	~

Note: The unit of count is a federal arrest. Suspects with more than one arrest are counted separately. Most serious arrest is determined by the Deputy U.S. Marshal at booking. Excludes D.C. Superior Court arrests.

~Not available.

*Includes all other federal offense types (i.e., violent, property, drug, public order, weapons, supervision violations, and material witness).

Source: Bureau of Justice Statistics, based on data from the U.S. Marshals Service, Justice Detainee Information System, fiscal years 1998-2018.

TABLE 3

Number of federal arrests in the five federal judicial districts along the U.S.-Mexico border, by offense type, FY 1998-2018

Fiscal year	Total	Immigration	Other offense*	Unknown offense
1998	33,762	15,990	17,758	14
1999	37,672	17,706	19,952	14
2000	40,359	19,501	20,844	14
2001	41,175	19,495	21,593	87
2002	42,056	19,839	22,151	66
2003	44,003	21,571	22,299	133
2004	56,530	32,790	23,635	105
2005	55,536	31,869	23,567	100
2006	64,545	40,922	23,509	114
2007	73,102	48,616	24,408	78
2008	93,428	70,583	22,748	97
2009	102,146	76,885	25,195	66
2010	101,218	74,119	26,996	103
2011	103,011	75,463	27,430	118
2012	102,557	79,178	23,236	143
2013	116,172	89,993	26,091	88
2014	100,656	76,488	24,083	85
2015	90,135	66,701	23,418	16
2016	88,448	64,210	24,237	1
2017	76,171	53,113	23,057	1
2018	126,293	102,278	24,014	1
Percent change, 1998-2018	274.1%	539.6%	35.2%	~
Percent change, 2017-2018	65.8%	92.6%	4.2%	~

Note: The unit of count is a federal arrest. Suspects with more than one arrest are counted separately. Most serious arrest is determined by the Deputy U.S. Marshal at booking. Federal district is determined by location of the federal court where booking takes place. The five U.S.-Mexico border districts include the Southern District of California, the District of Arizona, the District of New Mexico, the Western District of Texas, and the Southern District of Texas. In total, there are 94 federal judicial districts.

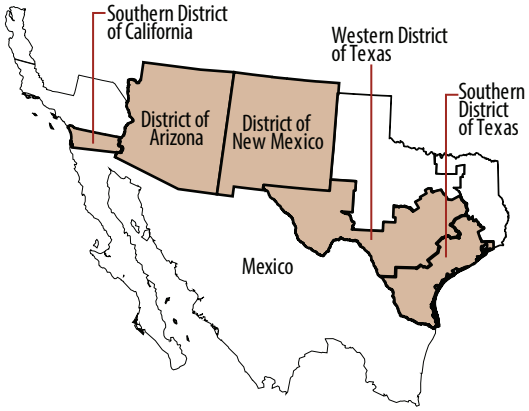
~Not available.

*Includes all other federal offense types (i.e., violent, property, drug, public order, weapons, supervision violations, and material witness).

Source: Bureau of Justice Statistics, based on data from the U.S. Marshals Service, Justice Detainee Information System, fiscal years 1998-2018.

MAP 1

The five federal judicial districts along the U.S.-Mexico border



Source: Title 28 U.S.C. § 5 describes the geographic boundaries of the 94 federal judicial districts.

TABLE 4
Number of federal arrests by country of citizenship, FY 1998-2018

				Non-U.S. citizens							
		Total U.S. citizens[b]		Total non-U.S. citizens		Mexico		Central America[c]		Other[d]	
Fiscal year	Total[a]	Number	Percent[e]	Number	Percent[e]	Number	Percent[e]	Number	Percent[e]	Number	Percent[e]
1998	103,866	64,137	63.1%	37,486	36.9%	28,388	27.9%	1,171	1.2%	7,927	7.8%
1999	109,033	66,015	61.6	41,190	38.4	31,259	29.2	1,545	1.4	8,386	7.8
2000	115,025	68,699	60.7	44,564	39.3	34,157	30.2	1,507	1.3	8,900	7.9
2001	116,777	71,453	62.1	43,607	37.9	33,654	29.3	1,509	1.3	8,444	7.3
2002	121,610	75,024	62.6	44,892	37.4	34,523	28.8	1,588	1.3	8,781	7.3
2003	124,708	75,706	61.5	47,431	38.5	36,712	29.8	2,348	1.9	8,371	6.8
2004	138,223	77,516	56.8	58,976	43.2	43,837	32.1	6,409	4.7	8,730	6.4
2005	137,411	77,183	56.8	58,656	43.2	46,304	34.1	3,651	2.7	8,701	6.4
2006	144,072	76,068	53.5	66,164	46.5	52,859	37.2	6,275	4.4	7,030	4.9
2007	151,844	75,396	50.6	73,711	49.4	58,682	39.4	8,349	5.6	6,680	4.5
2008	173,463	74,762	43.9	95,598	56.1	77,265	45.4	11,125	6.5	7,208	4.2
2009	181,726	74,922	42.0	103,352	58.0	86,047	48.3	10,319	5.8	6,986	3.9
2010	179,034	73,421	42.6	98,956	57.4	82,974	48.1	8,789	5.1	7,193	4.2
2011	177,547	71,719	41.5	101,077	58.5	86,784	50.2	8,148	4.7	6,145	3.6
2012	172,248	68,112	41.1	97,683	58.9	78,056	47.1	13,771	8.3	5,856	3.5
2013	188,164	70,775	38.4	113,455	61.6	86,860	47.2	20,452	11.1	6,143	3.3
2014	165,265	64,245	40.2	95,424	59.8	72,860	45.6	17,035	10.7	5,529	3.5
2015	153,478	64,260	42.3	87,726	57.7	67,883	44.7	14,147	9.3	5,696	3.8
2016	151,460	64,742	43.4	84,548	56.6	63,322	42.4	15,564	10.4	5,662	3.8
2017	142,008	66,365	47.6	73,022	52.4	52,639	37.8	15,309	11.0	5,074	3.6
2018	195,771	70,542	36.1	125,027	63.9	78,062	39.9	39,858	20.4	7,107	3.6
Percent change, 1998-2018	88.5%	10.0%	~	233.5%	~	175.0%	~	3,303.8%	~	-10.3%	~
Percent change, 2017-2018	37.9%	6.3%	~	71.2%	~	48.3%	~	160.4%	~	40.1%	~

Note: Percentages based on available data. The unit of count is a federal arrest. Suspects with more than one arrest are counted separately. Most serious arrest is determined by the Deputy U.S. Marshal at booking. Excludes D.C. Superior Court arrests.

~Not available.

[a]Includes persons of unknown citizenship. The number ranged from 202 (2018) to 6,657 (2010).

[b]Citizenship status is defined using the country of citizenship indicated at the time of federal immigration arrest and booking.

[c]Includes Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama.

[d]Includes non-U.S. citizens from countries other than Mexico and Central America.

[e]Based on known citizenship.

Source: Bureau of Justice Statistics, based on data from the U.S. Marshals Service, Justice Detainee Information System, fiscal years 1998-2018.

TABLE 5

Number of federal arrests in the five U.S.-Mexico border districts by country of citizenship, FY 1998-2018

				Non-U.S. citizens							
		Total U.S. citizens[b]		Total non-U.S. citizens		Mexico		Central America[c]		Other[d]	
Fiscal year	Total[a]	Number	Percent[e]	Number	Percent[e]	Number	Percent[e]	Number	Percent[e]	Number	Percent[e]
1998	33,762	9,542	28.6%	23,841	71.4%	22,154	66.4%	674	2.0%	1,013	3.0%
1999	37,672	10,511	28.1	26,939	71.9	25,138	67.1	953	2.5	848	2.3
2000	40,359	11,068	27.6	29,049	72.4	27,225	67.9	875	2.2	949	2.4
2001	41,175	12,336	30.2	28,545	69.8	26,881	65.8	836	2.0	828	2.0
2002	42,056	12,887	30.8	28,953	69.2	27,345	65.4	865	2.1	743	1.8
2003	44,003	12,929	29.5	30,916	70.5	28,633	65.3	1,495	3.4	788	1.8
2004	56,530	13,566	24.1	42,622	75.9	35,623	63.4	5,413	9.6	1,586	2.8
2005	55,536	13,441	24.3	41,808	75.7	38,075	68.9	2,628	4.8	1,105	2.0
2006	64,545	13,197	20.7	50,612	79.3	44,431	69.6	5,278	8.3	903	1.4
2007	73,102	13,308	18.6	58,156	81.4	50,278	70.4	7,066	9.9	812	1.1
2008	93,428	12,862	14.1	78,638	85.9	67,943	74.3	9,496	10.4	1,199	1.3
2009	102,146	13,412	13.4	86,527	86.6	76,755	76.8	8,595	8.6	1,177	1.2
2010	101,218	13,872	14.5	81,922	85.5	73,806	77.1	6,842	7.1	1,274	1.3
2011	103,011	14,402	14.5	85,043	85.5	77,720	78.2	6,248	6.3	1,075	1.1
2012	102,557	13,435	13.8	83,749	86.2	70,675	72.7	12,103	12.5	971	1.0
2013	116,172	13,755	12.1	99,515	87.9	79,411	70.1	18,660	16.5	1,444	1.3
2014	100,656	12,347	12.9	83,673	87.1	66,783	69.6	15,375	16.0	1,515	1.6
2015	90,135	12,350	13.8	77,153	86.2	62,823	70.2	12,668	14.2	1,662	1.9
2016	88,448	12,961	14.8	74,375	85.2	58,646	67.2	14,078	16.1	1,651	1.9
2017	76,171	13,204	17.5	62,341	82.5	47,461	62.8	13,549	17.9	1,331	1.8
2018	126,293	13,795	10.9	112,484	89.1	71,815	56.9	37,590	29.8	3,079	2.4
Percent change, 1998-2018	274.1%	44.6%	~	371.8%	~	224.2%	~	5,477.2%	~	203.9%	~
Percent change, 2017-2018	65.8%	4.5%	~	80.4%	~	51.3%	~	177.4%	~	131.3%	~

Note: Percentages based on available data. The unit of count is a federal arrest. Suspects with more than one arrest are counted separately. Most serious arrest is determined by the Deputy U.S. Marshal at booking. The five U.S.-Mexico border districts include the Southern District of California, the District of Arizona, the District of New Mexico, the Western District of Texas, and the Southern District of Texas. In total, there are 94 federal judicial districts.

~Not available.

[a]Includes persons of unknown citizenship. The number ranged from 14 (2018) to 5,424 (2010).

[b]Citizenship status is defined using the country of citizenship indicated at the time of federal immigration arrest and booking.

[c]Includes Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama.

[d]Includes non-U.S. citizens from countries other than Mexico and Central America.

[e]Based on known citizenship.

Source: Bureau of Justice Statistics, based on data from the U.S. Marshals Service, Justice Detainee Information System, fiscal years 1998-2018.

TABLE 6

Federal arrests in U.S.-Mexico border districts and other federal judicial districts, FY 2018

		U.S.-Mexico border districts[a]		Other federal judicial districts[b]	
Fiscal year	Total	Number	Percent	Number	Percent
1998	103,866	33,762	32.5%	70,104	67.5%
1999	109,033	37,672	34.6	71,361	65.5
2000	115,025	40,359	35.1	74,666	64.9
2001	116,777	41,175	35.3	75,602	64.7
2002	121,610	42,056	34.6	79,554	65.4
2003	124,708	44,003	35.3	80,705	64.7
2004	138,223	56,530	40.9	81,693	59.1
2005	137,411	55,536	40.4	81,875	59.6
2006	144,072	64,545	44.8	79,527	55.2
2007	151,844	73,102	48.1	78,742	51.9
2008	173,463	93,428	53.9	80,035	46.1
2009	181,726	102,146	56.2	79,580	43.8
2010	179,034	101,218	56.5	77,816	43.5
2011	177,547	103,011	58.0	74,536	42.0
2012	172,248	102,557	59.5	69,691	40.5
2013	188,164	116,172	61.7	71,992	38.3
2014	165,265	100,656	60.9	64,609	39.1
2015	153,478	90,135	58.7	63,343	41.3
2016	151,460	88,448	58.4	63,012	41.6
2017	142,008	76,171	53.6	65,837	46.4
2018	195,771	126,293	64.5	69,478	35.5

Note: Percentages are based on available data. The unit of count is a federal arrest. Suspects with more than one arrest are counted separately. Most serious arrest is determined by the U.S. Marshal at booking. Federal district is determined by location of the federal court where booking takes place. Excludes D.C. Superior Court arrests.

[a]U.S.-Mexico border districts include the Southern District of California, the District of Arizona, the District of New Mexico, the Western District of Texas, and the Southern District of Texas.

[b]Includes the 89 districts that are not on the U.S.-Mexico border.

Source: Bureau of Justice Statistics, based on data from the U.S. Marshals Service, Justice Detainee Information System, fiscal year 2018.

TABLE 7a

Federal arrests by citizenship and federal judicial districts, by offense type (row percentages), FY 2018

		Citizenship[a]				Federal judicial districts			
		U.S. citizen[b]		Non-U.S. citizen		U.S.-Mexico border[c]		Other districts[d]	
Suspects arrested	Total	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total	195,771	70,542	36.1%	125,027	63.9%	126,293	64.5%	69,478	35.5%
Immigration-related	116,139	3,050	2.6%	113,083	97.4%	109,475	94.3%	6,664	5.7%
Immigration	108,667	2,913	2.7	105,748	97.3	102,278	94.1	6,389	5.9
Material witness	7,472	137	1.8	7,335	98.2	7,197	96.3	275	3.7
Non-immigration	79,614	67,474	85.0%	11,944	15.0%	16,817	21.1%	62,797	78.9%
Violent	3,797	3,440	91.2	332	8.8	744	19.6	3,053	80.4
Property	10,395	7,756	74.8	2,609	25.2	1,624	15.6	8,771	84.4
Fraud	8,966	6,432	72.0	2,507	28.0	1,455	16.2	7,511	83.8
Other	1,429	1,324	92.8	102	7.2	169	11.8	1,260	88.2
Drug	22,387	17,080	76.5	5,246	23.5	5,614	25.1	16,773	74.9
Public order	7,424	6,857	92.8	532	7.2	1,179	15.9	6,245	84.1
Regulatory	234	218	93.2	16	6.8	42	17.9	192	82.1
Other	7,190	6,639	92.8	516	7.2	1,137	15.8	6,053	84.2
Weapons	10,562	10,077	95.6	468	4.4	939	8.9	9,623	91.1
Supervision violations	25,049	22,264	89.0	2,757	11.0	6,717	26.8	18,332	73.2

Note: Percentages are based on available data. The unit of count is a federal arrest. Suspects with more than one arrest are counted separately. Most serious arrest is determined by the Deputy U.S. Marshal at booking. Federal district is determined by location of the federal court where booking takes place. Excludes D.C. Superior Court arrests. Based on the U.S. Census Bureau's American Community Survey tables for 2017, non-U.S. citizens make up 7.0% of the total U.S. population: https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_17_5YR_B05001&prodType=table.

[a]Citizenship status is defined using the country of citizenship indicated at the time of federal immigration arrest and booking.

[b]U.S. citizens can be arrested and prosecuted for immigration crimes, most commonly for bringing in or harboring aliens.

[c]U.S.-Mexico border districts include the Southern District of California, the District of Arizona, the District of New Mexico, the Western District of Texas, and the Southern District of Texas.

[d]Includes the 89 districts that are not on the U.S.-Mexico border.

Source: Bureau of Justice Statistics, based on data from the U.S. Marshals Service, Justice Detainee Information System, fiscal year 2018.

TABLE 7b

Federal arrests by citizenship and federal judicial districts, by offense type (column percentages), FY 2018

			Citizenship[a]				Federal judicial districts			
			U.S. citizen[b]		Non-U.S. citizen		U.S.-Mexico border[c]		Other districts[d]	
Suspects arrested	Total	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total	195,771	100%	70,542	100%	125,027	100%	126,293	100%	69,478	100%
Immigration-related	116,139	59.3%	3,050	4.3%	113,083	90.4%	109,475	86.7%	6,664	9.6%
Immigration	108,667	55.5	2,913	4.1	105,748	84.6	102,278	81.0	6,389	9.2
Material witness	7,472	3.8	137	0.2	7,335	5.9	7,197	5.7	275	0.4
Non-immigration	79,614	40.7%	67,474	95.7%	11,944	9.6%	16,817	13.3%	62,797	90.4%
Violent	3,797	1.9	3,440	4.9	332	0.3	744	0.6	3,053	4.4
Property	10,395	5.3	7,756	11.0	2,609	2.1	1,624	1.3	8,771	12.6
Fraud	8,966	4.6	6,432	9.1	2,507	2.0	1,455	1.2	7,511	10.8
Other	1,429	0.7	1,324	1.9	102	0.1	169	0.1	1,260	1.8
Drug	22,387	11.4	17,080	24.2	5,246	4.2	5,614	4.4	16,773	24.1
Public order	7,424	3.8	6,857	9.7	532	0.4	1,179	0.9	6,245	9.0
Regulatory	234	0.1	218	0.3	16	<0.1	42	<0.1	192	0.3
Other	7,190	3.7	6,639	9.4	516	0.4	1,137	0.9	6,053	8.7
Weapons	10,562	5.4	10,077	14.3	468	0.4	939	0.7	9,623	13.9
Supervision violations	25,049	12.8	22,264	31.6	2,757	2.2	6,717	5.3	18,332	26.4

Note: Percentages are based on available data. The unit of count is a federal arrest. Suspects with more than one arrest are counted separately. Most serious arrest is determined by the Deputy U.S. Marshal at booking. Federal district is determined by location of the federal court where booking takes place. Excludes D.C. Superior Court arrests.

[a]Citizenship status is defined using the country of citizenship indicated at the time of federal immigration arrest and booking.

[b]U.S. citizens can be arrested and prosecuted for immigration crimes, most commonly for bringing in or harboring aliens.

[c]U.S.-Mexico border districts include the Southern District of California, the District of Arizona, the District of New Mexico, the Western District of Texas, and the Southern District of Texas.

[d]Includes the 89 districts that are not on the U.S.-Mexico border.

Source: Bureau of Justice Statistics, based on data from the U.S. Marshals Service, Justice Detainee Information System, fiscal year 2018.

TABLE 8a

Federal arrests in U.S.-Mexico border districts and other federal judicial districts, by most serious offense (row percentages), FY 2018

		U.S.-Mexico border districts[a]		Other federal judicial districts[b]	
Suspects arrested	All suspects	Number	Percent	Number	Percent
Total	195,771	126,293	64.5%	69,478	35.5%
Immigration-related	116,139	109,475	94.3%	6,664	5.7%
Immigration	108,667	102,278	94.1	6,389	5.9
Material witness	7,472	7,197	96.3	275	3.7
Non-immigration	79,614	16,817	21.1%	62,797	78.9%
Violent	3,797	744	19.6	3,053	80.4
Property	10,395	1,624	15.6	8,771	84.4
Fraud	8,966	1,455	16.2	7,511	83.8
Other	1,429	169	11.8	1,260	88.2
Drug	22,387	5,614	25.1	16,773	74.9
Public order	7,424	1,179	15.9	6,245	84.1
Regulatory	234	42	18.0	192	82.1
Other	7,190	1,137	15.8	6,053	84.2
Weapons	10,562	939	8.9	9,623	91.1
Supervision violations	25,049	6,717	26.8	18,332	73.2
Citizenship[c]					
U.S. citizen[d]	70,542	13,795	19.6%	56,747	80.4%
Non-U.S. citizen	125,027	112,484	90.0	12,543	10.0
Country/region of citizenship					
North America	190,467	123,434	64.8%	67,033	35.2%
United States	70,542	13,795	19.6	56,747	80.4
Mexico	78,062	71,815	92.0	6,247	8.0
Canada	146	12	8.2	134	91.8
Caribbean Islands[e]	1,859	222	11.9	1,637	88.1
Central America[e]	39,858	37,590	94.3	2,268	5.7
South America[e]	2,152	1,279	59.4	873	40.6
Asia and Oceania[e]	1,851	1,162	62.8	689	37.2
Europe[e]	745	328	44.0	417	56.0
Africa[e]	354	76	21.5	278	78.5

Note: Percentages based on available data. The unit of count is a federal arrest. Suspects with more than one arrest are counted separately. Most serious arrest is determined by the Deputy U.S. Marshal at booking. Federal district is determined by location of the federal court where booking takes place. Excludes D.C. Superior Court arrests.

[a]U.S.-Mexico border districts include the Southern District of California, the District of Arizona, the District of New Mexico, the Western District of Texas, and the Southern District of Texas.

[b]Includes the 89 districts that are not on the U.S.-Mexico border.

[c]Citizenship status is defined using the country of citizenship indicated at the time of federal immigration arrest and booking.

[d]U.S. citizens can be arrested and prosecuted for immigration crimes, most commonly for bringing in or harboring aliens.

[e]Countries aggregated by region. For countries that make up regions, see https://www.cia.gov/library/publications/the-world-factbook/docs/refmaps.html.

Source: Bureau of Justice Statistics, based on data from the U.S. Marshals Service, Justice Detainee Information System, fiscal year 2018.

TABLE 8b

Federal arrests in U.S.-Mexico border districts and other federal judicial districts, by most serious offense (column percentages), FY 2018

	All suspects		U.S.-Mexico border districts[a]		Other federal judicial districts[b]	
Suspects arrested	Number	Percent	Number	Percent	Number	Percent
Total	195,771	100%	126,293	100%	69,478	100%
Immigration-related	116,139	59.3%	109,475	86.7%	6,664	9.6%
Immigration	108,667	55.5	102,278	81.0	6,389	9.2
Material witness	7,472	3.8	7,197	5.7	275	0.4
Non-immigration	79,614	40.7%	16,817	13.3%	62,797	90.4%
Violent	3,797	1.9	744	0.6	3,053	4.4
Property	10,395	5.3	1,624	1.3	8,771	12.6
Fraud	8,966	4.6	1,455	1.2	7,511	10.8
Other	1,429	0.7	169	0.1	1,260	1.8
Drug	22,387	11.4	5,614	4.4	16,773	24.1
Public order	7,424	3.8	1,179	0.9	6,245	9.0
Regulatory	234	0.1	42	<0.1	192	0.3
Other	7,190	3.7	1,137	0.9	6,053	8.7
Weapons	10,562	5.4	939	0.7	9,623	13.9
Supervision violations	25,049	12.8	6,717	5.3	18,332	26.4
Citizenship[c]						
U.S. citizen[d]	70,542	36.1%	13,795	10.9%	56,747	81.9%
Non-U.S. citizen	125,027	63.9	112,484	89.1	12,543	18.1
Country/region of citizenship						
North America	190,467	97.4%	123,434	97.7%	67,033	96.7%
United States	70,542	36.1	13,795	10.9	56,747	81.9
Mexico	78,062	39.9	71,815	56.9	6,247	9.0
Canada	146	0.1	12	<0.1	134	0.2
Caribbean Islands[e]	1,859	1.0	222	0.2	1,637	2.4
Central America[e]	39,858	20.4	37,590	29.8	2,268	3.3
South America[e]	2,152	1.1	1,279	1.0	873	1.3
Asia and Oceania[e]	1,851	0.9	1,162	0.9	689	1.0
Europe[e]	745	0.4	328	0.3	417	0.6
Africa[e]	354	0.2	76	0.1	278	0.4

Note: Percentages based on available data. The unit of count is a federal arrest. Suspects with more than one arrest are counted separately. Most serious arrest is determined by the U.S. Marshal at booking. Federal district is determined by location of the federal court where booking takes place. Excludes D.C. Superior Court arrests.

[a]U.S.-Mexico border districts include the Southern District of California, the District of Arizona, the District of New Mexico, the Western District of Texas, and the Southern District of Texas.

[b]Includes the 89 districts that are not on the U.S.-Mexico border.

[c]Citizenship status is defined using the country of citizenship indicated at the time of federal immigration arrest and booking.

[d]U.S. citizens can be arrested and prosecuted for immigration crimes, most commonly for bringing in or harboring aliens.

[e]Countries aggregated by region. For countries that make up regions, see https://www.cia.gov/library/publications/the-world-factbook/docs/refmaps.html.

Source: Bureau of Justice Statistics, based on data from the U.S. Marshals Service, Justice Detainee Information System, fiscal year 2018.

TABLE 9

Federal immigration arrests by sex, age, citizenship, and country of citizenship, FY 1998, 2008, 2017, and 2018

	FY 1998		FY 2008		FY 2017		FY 2018	
Suspect characteristics	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Total	20,942	100%	78,033	100%	58,031	100%	108,667	100%
Sex								
Male	19,100	91.2%	70,236	90.0%	53,343	91.9%	97,473	89.7%
Female	1,841	8.8	7,797	10.0	4,684	8.1	11,191	10.3
Age								
17 or younger	60	0.3%	63	0.1%	25	<0.1%	49	0.1%
18-19	1,508	7.2	6,211	8.0	3,530	6.1	8,889	8.2
20-24	5,464	26.1	17,607	22.6	10,417	18.0	24,034	22.1
25-29	5,208	24.9	17,164	22.0	11,162	19.2	21,854	20.1
30-34	3,819	18.2	14,456	18.5	10,955	18.9	18,639	17.2
35-39	2,470	11.8	10,177	13.0	9,046	15.6	14,793	13.6
40-44	1,347	6.4	6,178	7.9	6,325	10.9	10,215	9.4
45-49	622	3.0	3,440	4.4	3,592	6.2	5,746	5.3
50-54	262	1.3	1,733	2.2	1,790	3.1	2,697	2.5
55 or older	172	0.8	1,003	1.3	1,185	2.0	1,747	1.6
Mean age	29 years		30 years		32 years		31 years	
Citizenship								
U.S. citizen[a]	1,072	5.2%	2,433	3.2%	2,356	4.1%	2,913	2.7%
Non-U.S. citizen	19,556	94.8	74,000	96.8	55,454	95.9	105,748	97.3
Country of citizenship								
North America	19,400	94.0%	75,137	98.3%	56,954	98.5%	106,100	97.6%
United States	1,072	5.2	2,433	3.2	2,356	4.1	2,913	2.7
Mexico	17,143	83.1	61,924	81.0	40,884	70.7	65,491	60.3
Canada	47	0.2	64	0.1	26	<0.1	27	<0.1
Caribbean Islands[b]	416	2.0	790	1.0	506	0.9	553	0.5
Central America[b]	722	3.5	9,926	13.0	13,182	22.8	37,116	34.2
South America[b]	166	0.8	472	0.6	566	1.0	1,227	1.1
Asia and Oceania[b]	736	3.6	476	0.6	118	0.2	928	0.9
Europe[b]	262	1.3	261	0.3	150	0.3	359	0.3
Africa[b]	64	0.3	87	0.1	22	<0.1	47	<0.1

Note: Percentages based on available data. The unit of count is a federal arrest. Suspects with more than one arrest are counted separately. Excludes D.C. Superior Court arrests.

[a]Citizenship is defined as the country of citizenship indicated at the time of federal booking.

[b]Countries aggregated by region. For countries that make up regions, see https://www.cia.gov/library/publications/the-world-factbook/docs/refmaps.html.

Source: Bureau of Justice Statistics, based on data from the U.S. Marshals Service, Justice Detainee Information System, fiscal years 1998, 2008, 2017, and 2018.

TABLE 10

Federal immigration arrests by sex and age, FY 2017 and FY 2018

	FY 2017			FY 2018			1-year change		
	Total	Male	Female	Total	Male	Female	Total	Male	Female
Total	58,031	53,343	4,684	108,667	97,473	11,191	50,636	44,130	6,507
Age									
17 or younger	25	25	0	49	41	8	24	16	8
18-19	3,530	3,106	424	8,889	7,617	1,272	5,359	4,511	848
20-24	10,417	9,314	1,103	24,034	21,004	3,030	13,617	11,690	1,927
25-29	11,162	10,263	899	21,854	19,640	2,214	10,692	9,377	1,315
30-34	10,955	10,221	734	18,639	17,017	1,621	7,684	6,796	887
35-39	9,046	8,448	598	14,793	13,559	1,234	5,747	5,111	636
40-44	6,325	5,899	426	10,215	9,326	889	3,890	3,427	463
45-49	3,592	3,325	267	5,746	5,241	505	2,154	1,916	238
50-54	1,790	1,664	126	2,697	2,457	240	907	793	114
55 or older	1,185	1,078	107	1,747	1,569	178	562	491	71

Note: The unit of count is a federal arrest. Suspects with more than one arrest are counted separately. Data on sex of suspect were missing for four records in fiscal year (FY) 2017 and three in FY 2018. Age of suspect was missing for four records in FY 2018. Excludes D.C. Superior Court arrests.

Source: Bureau of Justice Statistics, based on data from the U.S. Marshals Service, Justice Detainee Information System, fiscal years 2017 and 2018.

Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE) are responsible for most immigration law enforcement

The Department of Homeland Security (DHS) is responsible under the Immigration and Nationality Act (INA, Title 8 U.S.C. § 1101) for monitoring the flow of people and commerce along U.S. borders and waterways, at ports of entry, and in the U.S. interior. Within DHS, most immigration enforcement is the responsibility of Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE). CBP is responsible for enforcing laws along the border or at ports of entry, and ICE is responsible for interior enforcement, detention, and removal operations.

Apprehensions

CBP conducts apprehensions of aliens for suspected immigration violations. Apprehensions entail the physical control or temporary detention of persons who are not lawfully in the U.S. They may or may not result in an arrest. Apprehensions most often occur between ports of entry, which are places where some persons may lawfully enter the country. Apprehensions can be handled administratively by DHS, adjudicated before an immigration judge, or referred for federal criminal prosecution.[1]

Administrative arrest

ICE carries out administrative arrests. These include any arrest of an alien for a civil violation of U.S. immigration laws, which may result in detention and removal following an immigration court hearing. A Notice to Appear (form I-862) is the charging document that initiates removal proceedings. This document declares the administrative charges made by ICE.

Federal criminal arrest

Both CBP and ICE make federal criminal arrests for criminal violations of U.S. immigration laws. CBP does not publish its number of federal criminal arrests; however, those numbers, which BJS obtained through its Federal Justice Statistics Program, are published in this report. Making a federal criminal arrest requires establishing probable cause; a federal criminal arrest is subsequently adjudicated by a U.S. magistrate or a federal judge in U.S. district court, instead of an immigration court.

TABLE 11

Suspects arrested for federal criminal immigration offenses by Customs and Border Protection in the nine southwest border patrol sectors, FY 2013-2018

Fiscal year	Apprehensions	Criminal immigration arrests	Number of federal criminal immigration arrests per 100 apprehensions
2013	414,397	62,705	15.1
2014	479,371	54,790	11.4
2015	331,333	48,123	14.5
2016	408,870	48,770	11.9
2017	303,916	37,172	12.2
2018	396,597	83,108	21.0

Note: Apprehensions reflect activity by CBP in these nine southwest border patrol sectors: Big Bend, Del Rio, El Centro, El Paso, Laredo, Rio Grande Valley, San Diego, Tucson, and Yuma. Federal criminal arrests by the CBP reflect arrests in the 14 federal judicial districts that share the same geographical area with the 9 southwest border patrol sectors: Arizona, California Central, California Eastern, California Northern, California Southern, Oklahoma Eastern, Oklahoma Northern, Oklahoma Western, New Mexico, Texas Eastern, Texas Northern, Texas Southern, Texas Western, and Utah.

Source: Bureau of Justice Statistics, based on apprehensions data from the U.S. Border Patrol, Stats and Summaries (https://www.cbp.gov/sites/default/files/assets/documents/2019-Mar/bp-total-monthly-apps-sector-area-fy2018.pdf), and federal criminal arrest data from the U.S. Marshals Service, Justice Detainee Information System, fiscal years 2013-2018.

[1]See Witsman, K. (2018). *Immigration Enforcement Actions: 2017*. Retrieved from U.S. Department of Homeland Security website: https://www.dhs.gov/sites/default/files/publications/enforcement_actions_2017.pdf (most recent publicly available report). Administrative responses include: **Alien Transfer Exit Program,** which repatriates Mexican citizens through a geographic area different from that of their entry location to disrupt future coordination with smugglers; **Expedited Removal,** which immediately processes a formal removal order for illegal entrants apprehended within 100 air miles of the U.S. border who weren't physically present in the U.S. for a 14-day period immediately before their apprehension; **Reinstatement of Removal,** which provides the ability to reinstate a previously executed removal-order with respect to someone who illegally reenters the United States; and, **Voluntary Return,** which allows an illegal entrant to depart voluntarily from the U.S. in lieu of being subject to removal proceedings.

TABLE 12

Suspects in matters concluded by federal prosecutors, by offense type, FY 1998-2018

Fiscal year	Total	Immigration	Other offense*	Unknown offense
1998	106,022	13,249	91,718	1,055
1999	113,513	15,187	97,157	1,169
2000	116,919	16,053	100,035	831
2001	118,321	15,309	102,403	609
2002	122,644	16,171	105,710	763
2003	127,653	20,347	106,728	578
2004	148,240	37,326	109,817	1,097
2005	143,640	36,559	106,365	716
2006	141,130	36,226	103,841	1,063
2007	144,049	38,926	104,620	503
2008	182,723	80,615	101,510	598
2009	193,234	88,313	104,161	760
2010	193,022	85,545	106,453	1,024
2011	193,534	83,324	107,929	2,281
2012	196,109	92,345	101,410	2,354
2013	196,969	94,273	102,656	40
2014	170,161	81,305	88,810	46
2015	163,006	73,028	89,923	55
2016	155,615	70,237	85,329	49
2017	143,839	59,797	83,895	147
2018	183,743	99,479	84,164	100
Percent change, 1998-2018	73.3%	650.8%	-8.2%	~
Percent change, 2017-2018	27.7%	66.4%	0.3%	~

Note: Includes suspects charged with an immigration or other offense as the lead charge. Lead charge is the substantive statute that is the primary basis for referral to federal prosecutors. It is most often, but not always, the charge with the longest potential sentence.

~Not available.

*Includes all other federal offense types (i.e., violent, property, drug, public order, and weapons).

Source: Bureau of Justice Statistics, based on data from the Executive Office for U.S. Attorneys, National Legal Information Office Network System (LIONS) data base, fiscal years 1998-2018.

TABLE 13
Suspects prosecuted in U.S. district court by citizenship and offense type, FY 2018

Suspects prosecuted	Total	U.S. citizen	Non-U.S. citizen
Total	100%	57.0%	43.0%
Immigration	100%	10.5%	89.5%
Illegal entry	100%	9.1	90.9
Reentry of removed aliens	100%	1.6	98.4
Misuse of visas/other violations	100%	3.5	96.5
Alien smuggling	100%	67.0	33.0
Non-immigration	100%	85.1%	14.9%
Violent	100%	93.6	6.4
Property	100%	81.0	19.0
Fraud	100%	78.2	21.8
Other	100%	93.4	6.6
Drug	100%	79.8	20.2
Public order	100%	88.3	11.7
Regulatory	100%	57.6	42.4
Other	100%	94.2	5.8
Weapons	100%	96.0	4.0

Note: Percentages based on available data. Includes defendants interviewed, investigated, or supervised by pre-trial services whose cases were charged in U.S. district court.

Source: Bureau of Justice Statistics, based on data from the Administrative Office of the U.S. Courts, Probation and Pretrial Services, Probation and Pretrial Services Automated Case Tracking System, fiscal year 2018.

TABLE 14
Suspects prosecuted in U.S. district court by offense type and citizenship, FY 2018

Suspects prosecuted	Total	U.S. citizen	Non-U.S. citizen
Total	100%	100%	100%
Immigration	37.6%	7.0%	78.5%
Illegal entry	0.1	<0.1	0.3
Reentry of removed aliens	31.4	0.9	72.1
Misuse of visas/other violations	1.0	0.1	2.2
Alien smuggling	5.1	6.0	3.9
Non-immigration	62.4%	93.0%	21.5%
Violent	3.6	5.9	0.5
Property	10.9	15.4	4.8
Fraud	8.9	12.1	4.5
Other	2.0	3.3	0.3
Drug	27.4	38.5	12.9
Public order	7.9	11.9	2.1
Regulatory	1.2	1.3	1.2
Other	6.6	10.6	0.9
Weapons	12.6	21.3	1.2

Note: Percentages based on available data. Includes defendants interviewed, investigated, or supervised by pre-trial services whose cases were charged in U.S. district court.

Source: Bureau of Justice Statistics, based on data from the Administrative Office of the U.S. Courts, Probation and Pretrial Services, Probation and Pretrial Services Automated Case Tracking System, fiscal year 2018.

TABLE 15

Immigration suspects in matters concluded by federal prosecutors, by type of immigration offense and federal judicial districts, FY 2018

	Matters concluded		Outcome of matters concluded					
			Prosecuted in U.S. district court[a]		Prosecuted before U.S. magistrate		Declined	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Immigration	99,479	100%	31,659	31.8%	67,328	67.7%	492	0.5%
Immigration detail								
Illegal entry	61,581	100%	3,073	5.0%	58,489	95.0%	19	<0.1%
Reentry by removed aliens	32,078	100%	23,700	73.9	8,202	25.6	176	0.5
Misuse of visas/other violations	980	100%	768	78.4	106	10.8	106	10.8
Alien smuggling	4,840	100%	4,118	85.1	531	11.0	191	3.9
U.S.-Mexico border district	92,330	100%	25,204	27.3%	66,994	72.6%	132	0.1%
California Southern	8,424	100%	5,237	62.2	3,185	37.8	2	<0.1
Arizona	18,173	100%	3,879	21.3	14,249	78.4	45	0.2
New Mexico	8,438	100%	3,830	45.4	4,600	54.5	8	0.1
Texas Western	22,172	100%	7,010	31.6	15,119	68.2	43	0.2
Texas Southern	35,123	100%	5,248	14.9	29,841	85.0	34	0.1
All other judicial districts	7,149	100%	6,455	90.3%	334	4.7%	360	5.0%
Days from receipt of matter to disposition[b]								
Median	2 days		20 days		1 day		387 days	
Mean	14 days		25 days		5 days		582 days	

Note: Percentages are based on available data. Includes suspects with an immigration offense as the lead charge. Lead charge is the substantive statute that is the primary basis for referral to federal prosecutors. It is most often, but not always, the charge with the greatest potential sentence. For total offenses, there were 100 records missing offense type and 1,368 records missing outcome.

[a]Includes suspects who were initially charged in U.S. district court but later had case terminated before U.S. magistrate. This was found to be more likely in matters concluded with illegal entry.

[b]Prosecutor case-processing time reflects the time from receipt of a matter to the prosecutor's decision to prosecute as a case in U.S. district court, refer for disposal by U.S. magistrate, or decline the matter, resulting in no further action. The median is the midpoint of processing time.

Source: Bureau of Justice Statistics, based on data from the Executive Office for U.S. Attorneys, National Legal Information Office Network System (LIONS) data base, fiscal year 2018.

TABLE 16

Immigration suspects in matters concluded by federal prosecutors, by type of court, FY 1998-2018

Fiscal year	Total	Prosecuted in U.S. district court*	Prosecuted before U.S. magistrate	Declined
1998	13,249	10,505	2,374	370
1999	15,187	11,804	2,935	448
2000	16,053	13,414	2,199	440
2001	15,309	12,488	2,339	482
2002	16,171	13,693	1,959	519
2003	20,347	16,529	2,712	1,106
2004	37,326	18,865	17,916	545
2005	36,559	19,073	16,925	561
2006	36,226	18,342	17,228	656
2007	38,926	19,167	19,093	666
2008	80,615	24,048	55,803	764
2009	88,313	28,148	59,378	787
2010	85,545	29,796	55,001	748
2011	83,324	28,766	53,723	835
2012	92,345	25,943	65,677	725
2013	94,273	25,271	68,357	645
2014	81,305	24,409	56,310	586
2015	73,028	21,230	51,328	470
2016	70,237	21,177	48,593	467
2017	59,797	20,966	38,393	438
2018	99,479	31,659	67,328	492
Percent change, 1998-2018	650.8%	201.4%	2,736.1%	33.0%
Percent change, 2017-2018	66.4%	51.0%	75.4%	12.3%

Note: Includes suspects with an immigration offense as the lead charge. Lead charge is the substantive statute that is the primary basis for referral to federal prosecutors. It is most often, but not always, the charge with the longest potential sentence.

*Includes suspects who were initially charged in U.S. district court but later had case terminated before U.S. magistrate. This was found to be more likely in matters concluded with illegal entry.

Source: Bureau of Justice Statistics, based on data from the Executive Office for U.S. Attorneys, National Legal Information Office Network System (LIONS) data base, fiscal years 1998-2018.

TABLE 17

Immigration suspects in matters concluded by federal prosecutors, by type of immigration offense, FY 1998-2018

Fiscal year	Total	Illegal entry	Illegal reentry	Misuse of visas	Alien smuggling
1998	13,249	3,039	6,440	1,059	2,711
1999	15,187	4,449	6,811	727	3,200
2000	16,053	3,964	8,081	757	3,251
2001	15,309	3,281	8,545	717	2,766
2002	16,171	3,206	9,361	656	2,948
2003	20,347	4,629	11,479	953	3,286
2004	37,326	18,337	13,458	1,033	4,498
2005	36,559	15,456	14,809	1,243	5,051
2006	36,226	13,970	15,735	1,224	5,297
2007	38,926	14,790	17,830	1,261	5,045
2008	80,615	52,087	21,348	2,068	5,112
2009	88,313	51,864	30,223	1,975	4,251
2010	85,545	43,546	35,899	2,090	4,010
2011	83,324	41,017	36,952	1,759	3,596
2012	92,345	50,311	36,857	1,493	3,684
2013	94,273	51,378	37,517	1,382	3,996
2014	81,305	39,269	37,166	1,139	3,731
2015	73,028	35,100	33,370	800	3,758
2016	70,237	35,546	29,755	760	4,176
2017	59,797	27,657	27,218	732	4,190
2018	99,479	61,581	32,078	980	4,840
Percent change, 1998-2018	650.8%	1,926.4%	398.1%	-7.5%	78.5%
Percent change, 2017-2018	66.4%	122.7%	17.9%	33.9%	15.5%

Note: Includes suspects with an immigration offense as the lead charge. Lead charge is the substantive statute that is the primary basis for referral to federal prosecutors. It is most often, but not always, the charge with the longest potential sentence. Includes suspects prosecuted in U.S. district court, prosecuted before a U.S. magistrate judge, or declined for further prosecution. Includes suspects who were initially charged in U.S. district court but later had case terminated before U.S. magistrate. This was found to be more likely in matters concluded with illegal entry.

Source: Bureau of Justice Statistics, based on data from the Executive Office for U.S. Attorneys, National Legal Information Office Network System (LIONS) data base, fiscal years 1998-2018.

TABLE 18

Among all immigration suspects who were federally prosecuted, percent prosecuted in U.S. district court, by type of immigration offense, FY 1998-2018

Fiscal year	Illegal entry	Illegal reentry	Misuse of visas	Alien smuggling
1998	55.7%	94.8%	58.7%	87.8%
1999	51.5	95.7	73.1	88.8
2000	64.0	94.7	92.5	89.7
2001	56.1	92.4	90.4	91.5
2002	58.4	96.1	92.3	91.3
2003	56.6	95.7	91.2	87.7
2004	14.6	89.0	83.3	83.9
2005	13.9	81.7	79.9	83.9
2006	8.3	78.6	79.8	81.1
2007	9.4	72.9	83.2	83.7
2008	3.8	77.0	86.2	86.8
2009	3.1	72.0	84.2	86.2
2010	2.5	67.0	84.7	86.0
2011	2.1	64.7	86.5	85.5
2012	1.5	57.7	87.6	84.5
2013	2.0	54.2	88.0	77.6
2014	3.2	52.1	93.1	84.2
2015	1.3	52.0	90.3	80.0
2016	1.0	57.4	90.1	81.5
2017	1.9	61.1	86.9	82.7
2018	5.0	74.3	87.9	88.6

Note: The denominator for the percentages does not include those who were declined for further prosecution. Includes suspects with an immigration offense as the lead charge. Lead charge is the substantive statute that is the primary basis for referral to federal prosecutors. It is most often, but not always, the charge with the greatest potential sentence. Includes suspects prosecuted in U.S. district court or suspects prosecuted before a U.S. magistrate judge. Includes suspects who were initially charged in U.S. district court but later had case terminated before U.S. magistrates. This was found to be more likely in matters concluded with illegal entry. Table does not show percentages handled by U.S. magistrates (i.e., in 2018, 11.4% of suspects charged with alien smuggling were prosecuted by U.S. magistrates).

Source: Bureau of Justice Statistics, based on data from the Executive Office for U.S. Attorneys, National Legal Information Office Network System (LIONS) data base, fiscal years 1998-2018.

Methodology

Background of the Federal Justice Statistics Program

The Federal Justice Statistics Program (FJSP) was initiated in 1982 to serve as a central resource for information describing the case-processing of federal criminal defendants and to meet BJS's statutory mandate to "collect, analyze, and disseminate comprehensive federal justice transaction statistics … and to provide technical assistance to and work jointly with other federal agencies to improve the availability and quality of federal justice data" (34 U.S.C. 10132 (c) (15)).

The FJSP receives administrative data files from six federal criminal-justice agencies and standardizes this information to maximize comparability across agencies and within agencies over time. This includes—

- standardizing the primary unit of count as each contact by a person with the federal criminal justice system, typically a distinct criminal case
- delineating the fiscal year (October 1 through September 30) as the period for reported events
- applying a uniform offense-classification across agencies
- classifying the court disposition and any sentence imposed.

Annual, cross-sectional data files are produced and maintained. They represent the federal criminal case-processing stages from arrest and prosecution through pretrial release, adjudication, sentencing, appeals, and corrections. The federal district is the jurisdictional boundary for federal courts and prosecutions. There are 94 federal judicial districts, 5 of which are adjacent to the U.S.-Mexico border, where most criminal immigration arrests occur. These border districts include the Southern District of California, the District of Arizona, the District of New Mexico, the Western District of Texas, and the Southern District of Texas.

Data Sources

U.S. Marshals Service (USMS): The Justice Detainee Information System (JDIS) provides information on suspects arrested for federal immigration offenses. The USMS uses the JDIS to track federal prisoners in its custody. Deputy U.S. Marshals are responsible

Federal criminal justice response

Dual civil and criminal justice responses are authorized under the Immigration and Nationality Act (INA) to address persons who are in or are attempting to enter the U.S. without authorization, and persons committing crimes while unlawfully in the U.S. The INA covers criminal immigration offenses that are subject to federal arrest and prosecution, including illegal entry into the U.S., illegal re-entry after having been removed, failing to leave the U.S. after a final order of deportation has been issued, remaining beyond days on conditional permit, bringing in or harboring aliens, and more. This report uses data from the Federal Justice Statistics Program (FJSP) to describe the federal enforcement of criminal provisions of the INA (Title 8 U.S.C. 1101.43).

The Immigration and Nationality Act includes provisions for immigration violations that are subject to federal arrest and prosecution. Immigration offenses included in this report are defined according to the following federal criminal statutes:

Smuggling, transporting, harboring

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

Illegal entry and re-entry

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

Misuse of visas and other violations

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

for booking federal prisoners into custody following an arrest. For arrest counts reported in this bulletin, immigration suspects may be counted more than once in a fiscal year if they are arrested multiple times during the period.

Executive Office for U.S. Attorneys (EOUSA): The Legal Information Office Network System database contains information on the investigation and prosecution of suspects in criminal matters opened and concluded and in criminal cases filed and terminated by federal prosecutors.

Suspects may be counted more than once in a fiscal year if they are involved in multiple matters opened and concluded during the period. A matter is defined as a referral in which an attorney spends one hour or more investigating. The lead charge is used to classify the most serious offense at referral and is defined as the substantive statute that is the primary basis of referral.

Administrative Office of the U.S. Courts (AOUSC): This report uses AOUSC data from the Probation and Pretrial Services Automated Case Tracking System (PACTS), which contains information on defendants interviewed and supervised by pre-trial services. These data are used to describe background characteristics of immigration defendants arraigned. Offenses are based on the most serious charged offense, as determined by the probation officer responsible for interviewing the defendant. The probation officer classifies the offense charged into AOUSC's four-digit offense codes, which are maintained and updated by the AOUSC. For defendants charged with more than one offense, the probation officer chooses as the charged offense the one carrying the most severe penalty or, in the case of two or more charges carrying the same penalty, the one with the highest offense severity. The offense severity level is determined by the AOUSC, which ranks offenses according to the maximum sentence, type of crime, and maximum fine amount. These four-digit codes are then aggregated into the primary offense charges used for this report.

Other resources

FJSP data are available in the Federal Criminal Case Processing Statistics Tool, an interactive BJS web tool that permits users to query the federal data and download the results as a spreadsheet. This tool is available on the BJS website (https://www.bjs.gov/fjsrc). It provides statistics by stage of the federal criminal case process, including law enforcement, prosecution and courts, and incarceration. The Department of Homeland Security's Office of Immigration Statistics provides data resources on immigration on their website (https://www.dhs.gov/immigration-statistics).

The Bureau of Justice Statistics of the U.S. Department of Justice is the principal federal agency responsible for measuring crime, criminal victimization, criminal offenders, victims of crime, correlates of crime, and the operation of criminal and civil justice systems at the federal, state, tribal, and local levels. BJS collects, analyzes, and disseminates reliable statistics on crime and justice systems in the United States, supports improvements to state and local criminal justice information systems, and participates with national and international organizations to develop and recommend national standards for justice statistics. Jeffrey H. Anderson is the director.

This report was written by Mark Motivans of BJS. Suzanne Strong of BJS verified the report. Elizabeth Buck of the U.S. Marshals Service provided input and review of the Justice Detainee Information System source records. Under funding award 2016-BJ-CX-K044 for the Federal Justice Statistics Program, Abt Associates provided statistical input and review. Contributors included Ryan Kling (Principal Investigator), Chris Cutler, Ari Lewenstein, John Thacker, Omri Drucker, and David Izrael.

Edrienne Su edited the report. Morgan Young and Carrie Epps produced the report.

August 2019, NCJ 253116

NCJ253116

Office of Justice Programs
Building Solutions • Supporting Communities • Advancing Justice
www.ojp.gov