

Recent Caseload Statistics for U.S. District Courts: Criminal Defendants Charged with Immigration-Related Offenses

September 26, 2023

This Insight provides an overview and analysis of criminal defendants charged with immigration-related offenses in [U.S. district courts](#). Specifically, this Insight provides information related to (1) the percentage of defendants charged with immigration-related offenses in U.S. district courts for the period 2001-2022; (2) the percentage of immigration defendants, during this same period, by the type of immigration offense (alien smuggling, improper entry by alien, etc.) for which they were charged; and (3) the percentage of defendants charged with immigration-related offenses in each U.S. district court in 2022. For information about statistics regarding other types of criminal offenses, see CRS Insight IN12252, *Recent Caseload Statistics for U.S. District Courts: Criminal Defendants Charged by Type of Offense*.

As used in this Insight, [the term “alien” means](#) any person not a citizen or national of the United States.

The analysis does not include individuals who appear before [immigration courts](#), which are administrative civil courts operated by the Department of Justice’s [Executive Office for Immigration Review](#) (EOIR). For additional information about the role and workload of immigration courts, see [CRS Report R47077, U.S. Immigration Courts and the Pending Cases Backlog](#).

The data below include defendants in criminal cases filed as [felonies or Class A misdemeanors](#). The data exclude defendants [transferred among district courts](#) and exclude those charged with immigration-related offenses in U.S. [territorial district courts](#). This Insight does not provide legal analysis of the offenses discussed.

Percentage of Defendants Charged with an Immigration-Related Offense (2001-2022)

During the 2001-2022 period, the overall percentage of federal defendants charged with immigration-related offenses ranged from a low of 14.2% in 2001 to a high of 34.8% in 2019. During this period, the average percentage of defendants charged annually with immigration-related offenses was 25.0%.

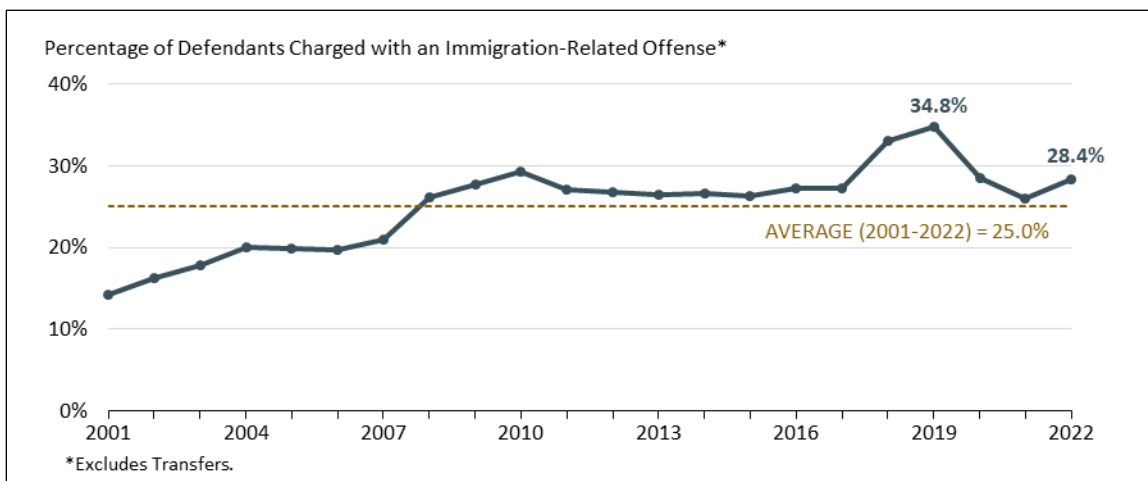
Most recently, as shown by **Figure 1**, 28.4% of all defendants in 2022 were charged with an immigration-related offense (ranking as the fifth-highest percentage during the 2001-2022 period).

Congressional Research Service

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IN12253

Figure 1. Percentage of Defendants Charged with an Immigration-Related Offense (2001-2022)



Source: Congressional Research Service compilation of data provided by the [Administrative Office of U.S. Courts](#).

The increase in the percentage of defendants charged with immigration-related offenses from 2017 to 2018 (from 27.2% to 33.1%) reflected the [prioritization of immigration offenses](#) by five U.S. Attorney's Offices along the southwest border in response to instructions issued by the U.S. Attorney General in 2017 and 2018.

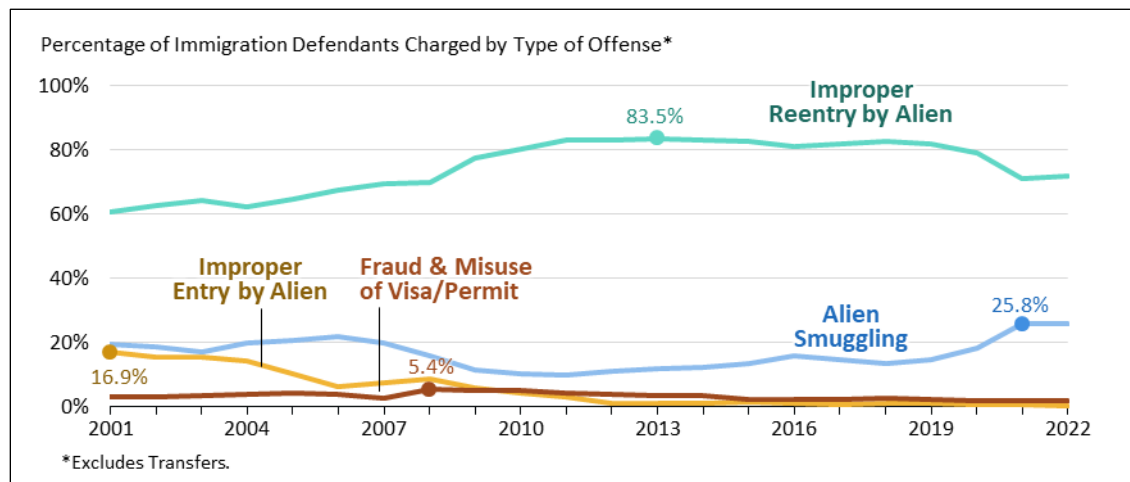
The decrease in the percentage of defendants charged with such offenses from 2019 to 2020 (from 34.8% to 28.5%) reflected the impact of the COVID-19 pandemic on federal court operations and enforcement activities, including the [implementation of a policy in March 2020 \(which has now ended\)](#) that permitted the Department of Homeland Security's [U.S. Customs and Border Protection \(CBP\)](#) to quickly expel individuals who entered or attempted to enter the United States illegally. This temporary policy, provided for by [42 U.S.C. §265](#), reduced the number of individuals detained and referred to U.S. Attorney's Offices for prosecution of immigration-related offenses.

Percentage of Immigration Defendants Charged by Type of Offense (2001-2022)

Certain provisions of the [Immigration and Nationality Act \(INA\)](#) provide for the prosecution of immigration-related offenses. The most common offenses include (1) [improper entry by an alien](#) into the United States; (2) [improper reentry by an alien](#) after having been removed from the United States; (3) the [smuggling of aliens](#) into the United States, including arranging transportation or otherwise assisting unauthorized individuals to enter or remain in the United States; and (4) [fraud and misuse of visas or other documents](#).

As shown by **Figure 2**, of those individuals charged with an immigration-related offense, the most common offense during the 2001-2022 period was improper reentry by an alien after prior removal from the United States (ranging from a low of 60.7% in 2001 to a high of 83.5% in 2013).

The second most common offense during this period was alien smuggling (ranging from a low of 9.7% in 2011 to a high of 25.8% in 2021). The offense of illegal entry by an alien peaked at 16.9% in 2001, while fraud and misuse of visas or other documents peaked at 5.4% in 2008.

Figure 2. Percentage of Immigration Defendants Charged by Type of Offense (2001-2022)

Source: Congressional Research Service compilation of data provided by the [Administrative Office of U.S. Courts](#). Percentages included on figure reflect highest percentages for each category during the 2001-2022 period.

Defendants Charged with an Immigration-Related Offense by U.S. District Court (2022)

In 2022, the percentage of defendants charged with an immigration-related offense across 91 U.S. district courts ranged from 0% to a high of 76.1% ([District of Arizona](#)). No defendants were charged with immigration-related offenses in district courts for [Alaska](#) or the [District of Columbia](#).

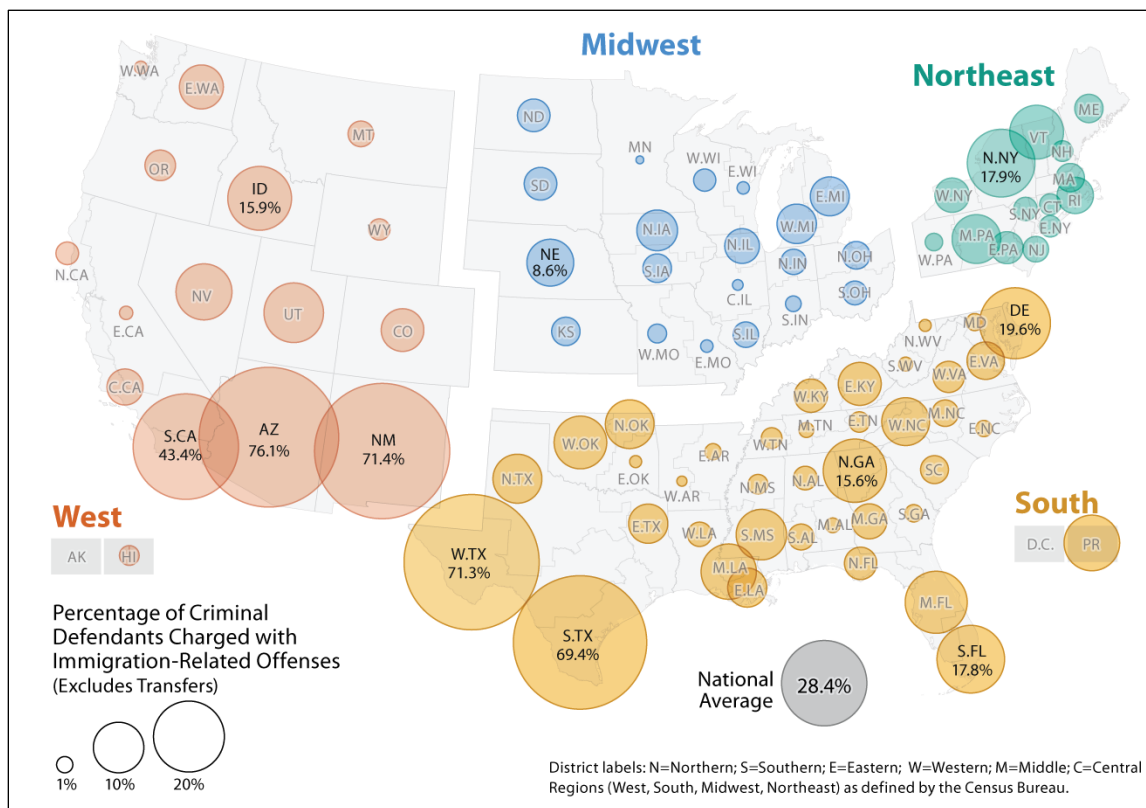
Figure 3 identifies the 10 U.S. district courts with the greatest percentages of defendants who were charged with immigration-related offenses. Of the 10 courts, 9 are located in the West or South (the exception being the [Northern District of New York](#)). Among these 10 courts, the percentage of immigration defendants ranged from a low of 15.6% ([Northern District of Georgia](#)) to 76.1% (District of Arizona).

In the Midwest, the district court for [Nebraska](#) (also identified in **Figure 3**) had the highest percentage of such defendants charged (8.6%), ranking 23rd among the 91 courts.

While not shown in the figure, the number of defendants charged with immigration-related offenses in 2022 ranged from 0 (Alaska and the District of Columbia) to a high of 5,330 ([Western District of Texas](#)).

Overall, the average number of defendants charged with an immigration-related offense across all 91 U.S. district courts was 215 (while the median number was 15). The number of defendants charged in five district courts (District of Arizona, [District of New Mexico](#), Western District of Texas, [Southern District of Texas](#), [Southern District of California](#)) accounted for 87.8% of all defendants nationally who were charged with immigration-related offenses in 2022 (specifically, 17,172 of 19,566).

Figure 3. Percentage of Defendants Charged with an Immigration-Related Offense by U.S. District Court (2022)



Source: Congressional Research Service compilation of data provided by the [Administrative Office of U.S. Courts](#).

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