

At Nearly 100,000, Immigration Prosecutions Reach All-time High in FY 2013

Illegal Re-entry Prosecutions Jump 76% During Obama Administration

The latest available data from the Justice Department show that during FY 2013 immigration prosecutions reached an all-time high, with new cases being filed against 97,384 defendants. This number is up 5.9 percent over the past fiscal year, and up 22.6 percent over the past five years, according to the case-by-case information analyzed by the Transactional Records Access Clearinghouse (TRAC) and obtained from the Executive Office for United States Attorneys under the Freedom of Information Act.

As shown in Table 1, the largest component of these were prosecutions for illegal entry under 8 USC 1325, which made up 55 percent of immigration prosecutions during FY 2013. The next largest group of these prosecutions were classified as illegal re-entry under 8 USC 1326, comprising 38 percent.

Growth patterns for illegal entry and re-entry prosecutions have been quite different. As shown in Table 1 and contrasted in Figures 1 and 2, prosecutions for illegal re-entry increased only slightly this past year, while those for illegal entry rose by 12 percent.

However, a different picture emerges when FY 2013 prosecutions are compared with the number during the last year of President Bush's administration, five years ago. Over this time frame, prosecutions for illegal entry increased by just 8.4 percent, while illegal re-entry prosecutions zoomed up by 76.2 percent.

As we see in Figure 1, prosecutions for illegal re-entry took a big jump in FY 2009 and FY 2010 — right after President Obama assumed office — and then continued to climb, though at a much slower pace. In contrast, those for illegal entry reached their all-time peak of 54,113 during FY 2009 — the first year of President Obama's administration — and then declined during FY 2010 through FY 2011. However during the past two years, illegal entry prosecutions have again begun to rise, though their reported level in FY 2013 is still slightly less than it was in FY 2009.

Table 1. Growth in Immigration Prosecutions by Lead Charge

	Total	Lead Charge	
		Illegal Entry 08 USC 1325	Illegal Re-entry 08 USC 1326
FY 2013 Prosecutions	97,384	53,789	37,346
FY 2012 Prosecutions	91,941	48,009	37,123
% Change from previous year	5.9%	12%	0.6%
% Change from 5 years ago	22.6%	8.4%	76.2%
% Change from 10 years ago	367%	1226%	233%
% Change from 20 years ago	1420%	6922%	1557%

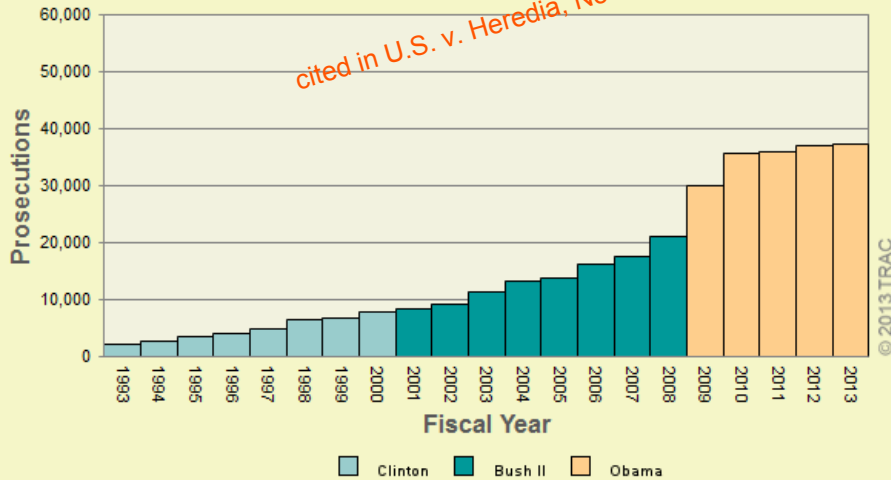


Figure 1. Immigration Prosecutions for Illegal Re-entry (08 USC 1326)

cited in U.S. v. Heredia, No. 12-50331 archived on November 14, 2014

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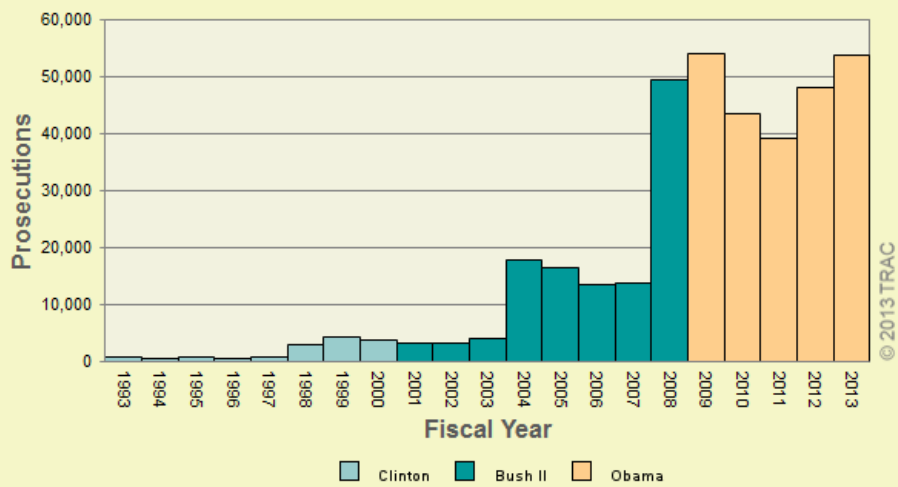


Figure 2. Immigration Prosecutions for Illegal Entry (08 USC 1325)

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