

Table 50

**MEAN AND MEDIAN SENTENCES OF OFFENDERS SENTENCED UNDER IMMIGRATION GUIDELINES
BY SENTENCE RELATIVE TO THE GUIDELINE RANGE¹
Fiscal Year 2009**

SENTENCING GUIDELINE	TOTAL			WITHIN GUIDELINE RANGE			UPWARD DEPARTURE ²			UPWARD DEPARTURE W/ <i>BOOKER</i> ²			ABOVE RANGE WITH W/ <i>BOOKER</i> ²			REMAINING ABOVE RANGE		
	N	Mean	Med	N	Mean	Med	N	Mean	Med	N	Mean	Med	N	Mean	Med	N	Mean	Med
TOTAL⁴	78,547	48.0	24.0	44,430	49.6	24.0	382	96.1	60.0	151	104.4	70.0	842	77.2	48.0	121	76.4	37.0
TOTAL IMMIGRATION	22,601	19.2	13.0	13,536	17.0	10.0	102	36.1	24.0	36	44.4	39.5	286	26.9	18.0	22	38.9	36.0
§2L1.1	3,270	16.2	12.0	1,614	18.5	15.0	28	42.1	30.0	14	59.9	54.0	18	59.5	54.0	7	43.7	36.0
§2L1.2	17,296	21.2	15.0	10,206	18.6	10.0	61	37.6	30.0	19	35.4	24.0	234	24.8	18.0	14	38.6	36.0
§2L2.1	381	11.7	8.0	210	13.4	10.0	1	--	--	0	--	--	10	45.2	42.0	1	--	--
§2L2.2	1,654	5.5	3.2	1,506	5.0	3.0	12	15.4	12.0	3	29.3	16.0	24	15.6	12.0	0	--	--

Table 50 (cont.)

SENTENCING GUIDELINE	§5K1.1 SUBSTANTIAL ASSISTANCE			§5K3.1 EARLY DISPOSITION			OTHER GOV'T SPONSORED			DOWNWARD DEPARTURE ³			DOWNWARD DEPARTURE W/ BOOKER ³			BELOW RANGE W/ BOOKER ³			REMAINING BELOW RANGE		
	N	Mean	Med	N	Mean	Med	N	Mean	Med	N	Mean	Med	N	Mean	Med	N	Mean	Med	N	Mean	Med
TOTAL⁴	9,844	53.4	36.0	7,240	22.0	18.0	2,900	51.3	24.0	1,540	39.7	24.0	859	45.0	24.0	9,347	49.6	27.0	891	50.9	10.0
TOTAL IMMIGRATION	338	14.3	12.0	5,419	22.8	18.0	698	17.0	12.0	569	24.6	18.0	123	24.5	23.0	1,266	23.2	23.0	206	14.8	8.0
§2L1.1	184	13.3	12.0	981	12.8	12.0	133	11.6	12.0	56	12.7	11.0	17	11.8	0.5	181	10.2	8.0	37	10.2	7.0
§2L1.2	69	23.7	24.0	4,424	25.1	24.0	532	18.7	13.5	494	26.6	24.0	100	27.6	24.0	1,008	26.8	24.0	135	18.4	12.0
§2L2.1	70	8.5	3.8	0	--	--	22	11.0	7.6	9	8.3	0.0	4	7.5	6.0	44	4.3	0.0	10	3.2	0.0
§2L2.2	15	11.9	10.0	14	10.1	9.4	11	9.1	4.0	10	5.9	4.9	2	--	--	33	7.8	5.0	24	6.9	4.0

¹This table only includes USSG Chapter Two, Part L (Immigration) cases sentenced under the following guidelines: §§2L1.1 (Alien Smuggling), 2L1.2 (Unlawful Entering or Remaining in the United States), 2L2.1 (Trafficking In Immigration Documents, or Making False or Fraudulent Immigration Statements), 2L2.2 (Acquiring Fraudulent Immigration Documents). Descriptions of variables used in this table are provided in Appendix A.

²See Tables 24-24B for a list of departure reasons comprising these categories.

³See Tables 25-25B for a list of departure reasons comprising these categories.

⁴Of the 81,372 cases, 2,825 were excluded due to one or more of the following reasons: missing information from the submitted documents that prevented the comparison of the sentence and the guideline range (2,219), or missing sentencing information (823). Of these 2,825 cases, 20 were sentenced under one of the four immigration guidelines listed in this table.

SOURCE: U.S. Sentencing Commission, 2009 Datafile, USSCFY09.