

Table 50

**SENTENCE LENGTH OF OFFENDERS SENTENCED UNDER IMMIGRATION GUIDELINES
BY SENTENCE RELATIVE TO THE GUIDELINE RANGE¹
Fiscal Year 2010**

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	81,183	45.4	24.0	44,381	46.3	21.0	350	91.8	60.0	119	126.1	96.0	916	82.7	51.0	127	113.8	48.0
TOTAL IMMIGRATION	24,343	18.8	12.0	14,124	16.4	9.0	74	43.7	31.0	19	64.2	54.0	277	30.8	24.0	18	31.9	24.0
§2L1.1	2,627	16.3	12.0	1,388	19.1	15.0	15	57.7	37.0	4	117.3	120.0	19	60.6	40.0	3	23.0	17.0
§2L1.2	19,892	20.2	14.0	11,286	17.4	10.0	52	40.6	31.0	14	53.1	51.0	230	28.7	24.0	11	40.4	36.0
§2L2.1	338	14.3	10.0	183	17.4	12.0	1	--	--	0	--	--	7	54.0	42.0	0	--	--
§2L2.2	1,486	5.7	3.5	1,267	5.0	2.8	6	32.5	13.5	1	--	--	21	18.5	12.0	4	15.2	15.0

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	9,407	52.0	36.0	8,119	21.6	18.0	3,207	50.5	24.0	1,686	35.9	21.0	864	45.7	24.0	11,113	47.5	24.0	894	44.4	10.0
TOTAL IMMIGRATION	295	13.8	11.3	5,994	22.5	18.0	649	15.1	12.0	734	23.4	18.0	127	23.1	20.0	1,817	22.7	18.0	215	12.9	5.5
§2L1.1	176	11.3	6.3	693	11.5	12.0	80	13.9	12.0	35	16.8	13.0	11	10.7	10.0	175	9.2	7.0	28	7.6	4.2
§2L1.2	64	24.9	24.0	5,236	24.0	21.0	530	16.1	12.0	691	23.9	18.0	111	25.0	24.0	1,510	25.5	24.0	157	15.0	8.0
§2L2.1	49	8.9	8.2	0	--	--	26	3.5	0.0	1	--	--	3	12.3	6.8	57	9.8	7.5	11	7.8	0.0
§2L2.2	6	8.5	3.0	65	11.3	10.0	13	4.5	2.1	7	8.4	8.6	2	--	--	75	6.8	4.8	19	6.0	2.5

¹ This 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.

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

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

⁴ Of the 83,946 cases, 2,763 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 (2,087), or missing sentencing information (842). Of these 2,763 cases, 27 were sentenced under one of the four immigration guidelines listed in this table.

SOURCE: U.S. Sentencing Commission, 2010 Datafile, USSCFY10.