

Table 50

**SENTENCE LENGTH OF OFFENDERS SENTENCED UNDER IMMIGRATION GUIDELINES
BY SENTENCE RELATIVE TO THE GUIDELINE RANGE¹
Fiscal Year 2011**

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	84,114	43	22	45,565	44	18	379	91	60	109	110	80	947	80	48	92	44	24
TOTAL IMMIGRATION	25,739	18	12	14,288	16	9	97	30	24	24	57	42	290	28	21	21	23	18
§2L1.1	2,575	15	12	1,419	18	13	19	26	18	1	--	--	17	36	30	7	20	18
§2L1.2	21,479	19	13	11,538	17	10	68	31	24	22	61	48	242	28	21	10	32	27
§2L2.1	313	15	11	178	15	12	3	52	54	0	--	--	7	43	46	0	--	--
§2L2.2	1,372	6	4	1,153	5	3	7	24	12	1	--	--	24	20	12	4	6	4

Table 50 (cont.)

SENTENCING GUIDELINE	§5K1.1 SUBSTANTIAL ASSISTANCE			§5K3.1 EARLY DISPOSITION			OTHER GOV'T SPONSORED			DOWNWARD DEPARTURE ³			DOWNWARD DEPARTURE W/ <i>BOOKER</i> ³			BELOW RANGE W/ <i>BOOKER</i> 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	9,517	50	36	9,055	21	18	3,702	52	29	1,976	35	21	916	41	24	11,361	46	24	495	45	5
TOTAL IMMIGRATION	284	16	12	6,917	21	18	622	16	10	800	24	21	137	22	18	2,136	22	18	123	7	0
§2L1.1	148	14	12	568	10	8	69	14	9	53	14	12	4	2	0	258	12	9	12	7	6
§2L1.2	84	22	18	6,307	22	18	529	17	10	726	25	24	124	24	23	1,740	24	24	89	7	0
§2L2.1	50	10	3	1	--	--	9	13	0	10	14	8	5	8	0	42	10	6	8	19	0
§2L2.2	2	--	--	41	10	10	15	6	5	11	6	4	4	12	9	96	7	5	14	6	1

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 86,201 cases, 2,087 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 (1,457), or missing sentencing information (764). Of these 2,087 cases, 16 were sentenced under one of the four immigration guidelines listed in this table.

SOURCE: U.S. Sentencing Commission, 2011 Datafile, USSCFY11.