

**Table 50**

**SENTENCE LENGTH OF OFFENDERS SENTENCED UNDER IMMIGRATION GUIDELINES  
BY SENTENCE RELATIVE TO THE GUIDELINE RANGE<sup>1</sup>  
Fiscal Year 2012**

SENTENCING GUIDELINE	TOTAL			WITHIN GUIDELINE RANGE			UPWARD DEPARTURE <sup>2</sup>			UPWARD DEPARTURE W/ <i>BOOKER</i> <sup>2</sup>			ABOVE RANGE WITH W/ <i>BOOKER</i> <sup>2</sup>			REMAINING ABOVE RANGE		
	N	Mean	Median	N	Mean	Median	N	Mean	Median	N	Mean	Median	N	Mean	Median	N	Mean	Median
<b>TOTAL<sup>4</sup></b>	<b>82,097</b>	<b>45</b>	<b>24</b>	<b>42,797</b>	<b>45</b>	<b>21</b>	<b>451</b>	<b>78</b>	<b>48</b>	<b>127</b>	<b>107</b>	<b>72</b>	<b>977</b>	<b>87</b>	<b>60</b>	<b>76</b>	<b>62</b>	<b>38</b>
<b>TOTAL IMMIGRATION</b>	<b>23,229</b>	<b>18</b>	<b>12</b>	<b>12,752</b>	<b>16</b>	<b>10</b>	<b>168</b>	<b>28</b>	<b>24</b>	<b>26</b>	<b>43</b>	<b>30</b>	<b>246</b>	<b>32</b>	<b>24</b>	<b>25</b>	<b>31</b>	<b>30</b>
<b>§2L1.1</b>	<b>2,273</b>	<b>17</b>	<b>12</b>	1,013	21	16	86	26	24	3	88	84	14	81	45	0	--	--
<b>§2L1.2</b>	<b>19,454</b>	<b>19</b>	<b>13</b>	10,599	17	10	74	29	24	22	38	24	206	30	22	21	34	36
<b>§2L2.1</b>	<b>304</b>	<b>15</b>	<b>12</b>	176	17	12	4	50	50	0	--	--	7	46	33	1	--	--
<b>§2L2.2</b>	<b>1,198</b>	<b>5</b>	<b>3</b>	964	5	3	4	16	14	1	--	--	19	21	14	3	13	12

**Table 50 (cont.)**

SENTENCING GUIDELINE	§5K1.1 SUBSTANTIAL ASSISTANCE			§5K3.1 EARLY DISPOSITION			OTHER GOV'T SPONSORED			DOWNWARD DEPARTURE <sup>3</sup>			DOWNWARD DEPARTURE W/ <i>BOOKER</i> <sup>3</sup>			BELOW RANGE W/ <i>BOOKER</i> <sup>3</sup>			REMAINING BELOW RANGE		
	N	Mean	Median	N	Mean	Median	N	Mean	Median	N	Mean	Median	N	Mean	Median	N	Mean	Median	N	Mean	Median
<b>TOTAL<sup>4</sup></b>	<b>9,666</b>	<b>51</b>	<b>36</b>	<b>9,277</b>	<b>20</b>	<b>15</b>	<b>4,019</b>	<b>56</b>	<b>30</b>	<b>1,894</b>	<b>38</b>	<b>24</b>	<b>811</b>	<b>46</b>	<b>28</b>	<b>11,474</b>	<b>48</b>	<b>24</b>	<b>528</b>	<b>45</b>	<b>1</b>
<b>TOTAL IMMIGRATION</b>	<b>285</b>	<b>16</b>	<b>12</b>	<b>6,530</b>	<b>19</b>	<b>15</b>	<b>473</b>	<b>16</b>	<b>12</b>	<b>739</b>	<b>25</b>	<b>24</b>	<b>103</b>	<b>26</b>	<b>24</b>	<b>1,732</b>	<b>21</b>	<b>18</b>	<b>150</b>	<b>6</b>	<b>0</b>
§2L1.1	173	16	10	678	10	8	69	10	9	30	11	4	2	--	--	195	12	9	10	3	0
§2L1.2	62	22	21	5,807	21	18	373	18	12	693	26	24	97	26	24	1,383	24	24	117	7	0
§2L2.1	43	9	3	0	--	--	16	4	0	1	--	--	1	--	--	49	12	8	6	3	0
§2L2.2	7	8	0	45	6	6	15	7	4	15	4	1	3	3	1	105	6	5	17	5	2

<sup>1</sup> 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.

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

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

<sup>4</sup> Of the 84,173 cases, 2,076 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 (1,499), or missing sentencing information (726). Of these 2,076 cases, 21 were sentenced under one of the four immigration guidelines listed in this table.

SOURCE: U.S. Sentencing Commission, 2012 Datafile, USSCFY12.