

Table I-7

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE FOR IMMIGRATION OFFENDERS¹
Fiscal Year 2019

GUIDELINE	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE	
		N	%	UPWARD		§5K1.1		§5K3.1		DOWNWARD		N	%
				N	%	N	%	N	%	N	%		
TOTAL	26,623	17,351	65.2	102	0.4	201	0.8	5,252	19.7	1,103	4.1	2,614	9.8
§2L1.1	3,487	1,412	40.5	4	0.1	151	4.3	1,208	34.6	90	2.6	622	17.8
§2L1.2	22,071	15,191	68.8	96	0.4	29	0.1	3,990	18.1	977	4.4	1,788	8.1
§2L2.1	104	51	49.0	0	0.0	18	17.3	0	0.0	5	4.8	30	28.8
§2L2.2	961	697	72.5	2	0.2	3	0.3	54	5.6	31	3.2	174	18.1

¹ Of the 76,538 cases, 26,630 offenders were sentenced under §§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), or 2L2.2 (Acquiring Fraudulent Immigration Documents). Of these 26,630 offenders, seven were excluded because information was missing from the submitted documents that prevented the comparison of the sentence and the guideline range. Descriptions of variables used in this table are provided in Appendix A.

SOURCE: U.S. Sentencing Commission, 2019 Datafile, USSCFY19.