

Table I-7

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE FOR IMMIGRATION OFFENDERS¹
Fiscal Year 2021

GUIDELINE	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE	
		N	%	UPWARD		§5K1.1		§5K3.1		DOWNWARD		N	%
				N	%	N	%	N	%	N	%		
TOTAL	15,748	8,228	52.2	33	0.2	147	0.9	4,329	27.5	887	5.6	2,124	13.5
§2L1.1	3,550	1,536	43.3	6	0.2	111	3.1	1,202	33.9	120	3.4	575	16.2
§2L1.2	11,559	6,227	53.9	26	0.2	27	0.2	3,122	27.0	737	6.4	1,420	12.3
§2L2.1	57	22	38.6	0	0.0	9	15.8	0	0.0	4	7.0	22	38.6
§2L2.2	582	443	76.1	1	0.2	0	0.0	5	0.9	26	4.5	107	18.4

¹ Of the 57,287 cases, 15,755 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 15,755 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, 2021 Datafile, USSCFY21.