

Table I-7

SENTENCE IMPOSED RELATIVE TO THE GUIDELINE RANGE FOR IMMIGRATION CASES¹
Fiscal Year 2023

GUIDELINE	TOTAL	WITHIN GUIDELINE RANGE		DEPARTURE								VARIANCE	
		N	%	UPWARD		§5K1.1		§5K3.1		DOWNWARD		N	%
				N	%	N	%	N	%	N	%		
TOTAL	18,104	10,127	55.9	38	0.2	191	1.1	4,820	26.6	561	3.1	2,367	13.1
§2L1.1	4,731	1,894	40.0	8	0.2	150	3.2	1,920	40.6	92	1.9	667	14.1
§2L1.2	12,867	7,885	61.3	28	0.2	29	0.2	2,897	22.5	460	3.6	1,568	12.2
§2L2.1	69	29	42.0	0	0.0	12	17.4	1	1.4	0	0.0	27	39.1
§2L2.2	437	319	73.0	2	0.5	0	0.0	2	0.5	9	2.1	105	24.0

¹ Of the 64,124 cases, in 18,106 the individual was 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 18,106 cases, two 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, 2023 Datafile, USSCFY23.