

Table 50

**MEAN AND MEDIAN SENTENCES OF OFFENDERS SENTENCED UNDER IMMIGRATION GUIDELINES
BY SENTENCES RELATIVE TO THE GUIDELINE RANGE¹
Fiscal Year 2008**

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	74,091	50.5	27.0	43,910	53.8	27.0	326	96.2	60.0	147	110.1	72.0	622	80.5	48.0	100	70.5	34.5
TOTAL IMMIGRATION	19,248	19.7	13.0	11,501	18.1	11.0	88	31.2	21.0	28	40.4	27.0	191	30.0	18.0	20	27.4	12.0
§2L1.1	3,522	16.3	13.0	1,648	19.5	15.0	32	33.0	21.0	1	--	--	18	58.9	49.0	8	37.6	15.0
§2L1.2	13,575	22.6	18.0	8,038	20.3	12.0	46	33.8	30.0	22	45.4	34.5	119	33.4	27.0	8	26.0	19.5
§2L2.1	436	13.0	10.0	283	15.2	10.0	0	--	--	0	--	--	1	--	--	0	--	--
§2L2.2	1,715	5.7	4.0	1,532	5.3	3.4	10	13.2	12.0	5	12.4	12.0	53	12.8	12.0	4	10.0	12.0

Table 50 (cont.)

SENTENCING GUIDELINE	§5K1.1 SUBSTANTIAL ASSISTANCE			§5K3.1 EARLY DISPOSITION			OTHER GOV'T SPONSORED			DOWNWARD DEPARTURE ³			DOWNWARD DEPARTURE W/ BOOKER ³			BELOW RANGE W/ BOOKER 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	10,024	53.2	36.0	5,891	22.9	18.0	3,113	41.5	21.0	1,542	41.1	24.0	915	45.6	24.0	6,666	50.3	27.0	835	45.0	13.0
TOTAL IMMIGRATION	373	14.4	12.0	4,500	22.9	18.0	1,032	17.2	12.0	454	26.1	24.0	93	21.6	18.0	814	23.2	22.0	154	14.8	6.0
§2L1.1	201	13.4	10.0	1,066	12.8	12.0	330	12.6	12.0	49	13.1	12.0	6	4.2	5.1	124	10.8	7.6	39	8.3	4.5
§2L1.2	72	25.5	21.0	3,430	26.0	24.0	664	20.3	14.1	391	28.2	24.0	79	24.3	24.0	619	27.3	24.0	87	20.6	14.0
§2L2.1	78	8.3	5.0	0	--	--	15	3.4	0.0	4	25.5	27.0	4	10.3	6.0	39	11.3	6.0	12	3.9	1.0
§2L2.2	22	10.0	12.1	4	5.2	5.5	23	5.6	4.7	10	10.1	7.6	4	4.5	4.6	32	6.2	4.0	16	7.7	3.5

¹This 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.

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

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

⁴Of the 76,478 cases, 2,387 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 (1,985), or missing sentencing information (824). Of these 2,387 cases, 85 were sentenced under one of the four immigration guidelines listed in this table.

SOURCE: U.S. Sentencing Commission, 2008 Datafile, USSCFY08.