

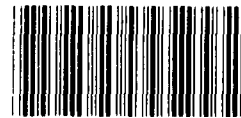
GAO

Fact Sheet for the Honorable
Arlen Specter, United States Senate

June 1987

ASYLUM

Approval Rates for
Selected Applicants



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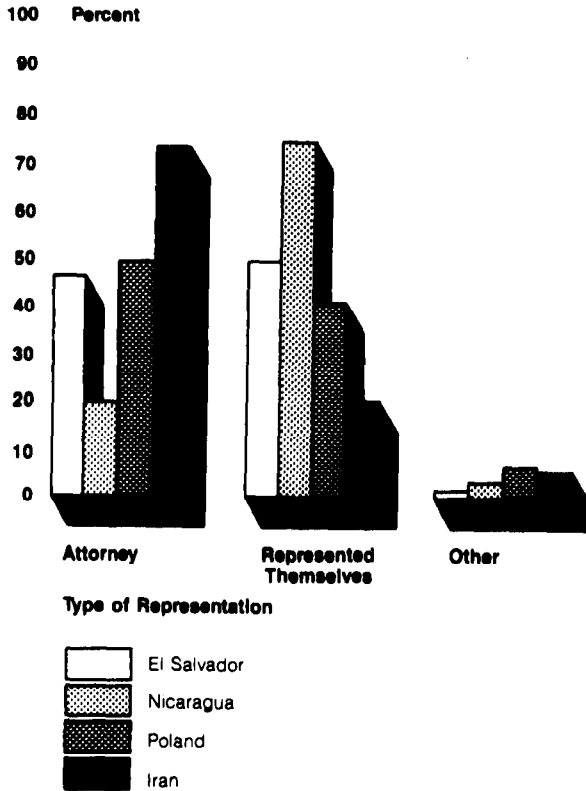
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Seventy-seven percent of the asylum applications (24,855 out of 32,426) were submitted to an INS district director. The remaining 23 percent of the applications (7,571) were from aliens in deportation proceedings.

About 49 percent of the applications submitted to INS district directors were from aliens represented by attorneys; 47 percent were from aliens who represented themselves; and 3 percent were from aliens represented by a religious, charitable, social service, or similar organization. The representation for 1 percent of the applications could not be determined. The overall approval rates for the applicants in the first two categories were 36 percent and 16 percent, respectively. For the third category, there was an insufficient number of applicants to compute approval rates.

Figures 1 and 2 show a breakdown of similar information for the countries in our review.

FIGURE 1:
ASYLUM APPLICATIONS TO INS DISTRICT DIRECTORS BY
TYPE OF REPRESENTATION AND COUNTRY





General Government Division

B-224935

June 4, 1987

The Honorable Arlen Specter
United States Senate

Dear Senator Specter:

In response to your request, we issued a briefing report¹ on the judging of claims for asylum in the United States by the Department of Justice (DOJ) and the Department of State. The Refugee Act of 1980 authorizes the Attorney General to grant asylum to aliens. The Attorney General requests the Department of State to provide an advisory opinion on the applicant's eligibility.

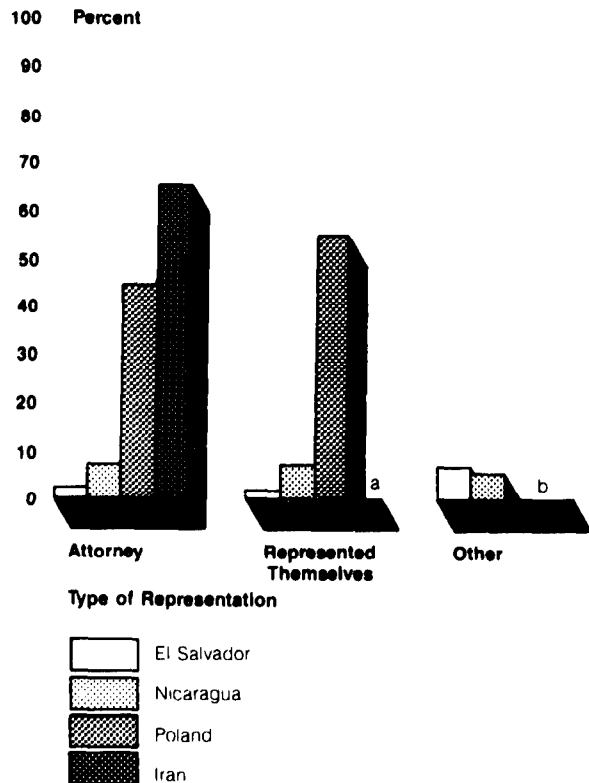
Your office subsequently requested that we provide additional data on asylum applicants in total and separately for those applying from El Salvador, Nicaragua, Poland, and Iran. You asked us to provide data on approval rates for those who, at the time they applied for asylum, were (1) represented by attorneys, private or public groups, or themselves and (2) detained or released on an immigration bond or on their own recognizance. The scope and methodology used in collecting and analyzing the data presented in this fact sheet are the same as described in our January 9, 1987, report. Essentially we reviewed 1,450 asylum applications taken from, and projected to, a universe of 32,426 applications on which the Department of State gave an advisory opinion in calendar year 1984. For ease of presentation, we use applicants and applications interchangeably, even though an application may involve more than one individual. We computed the sampling errors associated with estimates of the variables in our study. Our projections, with resulting upper and lower limits, calculated at the 95 percent confidence level, are in the appendix.

APPLICANT REPRESENTATION

An alien seeking asylum may apply to the DOJ Immigration and Naturalization Service (INS) district director having jurisdiction over the alien's place of residence or, if the alien has been placed in deportation proceedings, to an immigration judge in the DOJ Executive Office for Immigration Review.

¹Asylum: Uniform Application of Standards Uncertain--Few Denied Applicants Deported (GAO/GGD-87-33BR, Jan. 9, 1987).

**FIGURE 2:
INS DISTRICT DIRECTORS' ASYLUM APPROVAL RATES
BY TYPE OF REPRESENTATION AND COUNTRY**



^aNot computed for Iran, see table I.1

^bNot computed for Poland and Iran, see table I.1

Of the 7,571 asylum applications submitted to immigration judges, about 68 percent were from aliens represented by attorneys and 12 percent of these applications were approved. Twenty-seven percent of the applicants represented themselves; 4 percent of their applications were approved. Five percent of the applicants were represented by religious or social groups; none of these applications were approved.

Similar statistics for the countries in our review are included

in table I.1 in the appendix. As shown by adding the totals for these 4 countries, 76 percent of the 5,014 aliens who applied for asylum to immigration judges were from El Salvador.

APPLICANTS DETAINED

Aliens who are considered by INS to be in the country illegally are served an "order to show cause" why they should not be deported. The order contains the factual allegations and the charges against the alien and initiates the deportation process. Pending a determination of deportability, aliens may be arrested and taken into custody. The INS district director, at his/her discretion, may maintain custody of the alien or release the alien on bond or on his/her own recognizance.

Of the 32,426 asylum applications, 4,729 or about 15 percent were from aliens who were being detained by INS or had been detained and subsequently released. (Most of these aliens, 4,488, had been released on bond or on their own recognizance.) The approval rate for these applications was 5 percent. The applications of those who had no record of detention had an approval rate of 26 percent. (See table I.2 in the appendix.)

Similar statistics for individual countries in our review are also included in table I.2. As shown by adding the totals for these 4 countries, 87 percent of 3,437 aliens detained were from El Salvador and fewer than 1 percent of the cases decided were approved for asylum.

As arranged with your office, unless you publicly announce the contents of this fact sheet earlier, we plan no further distribution until 7 days from the date of issuance. At that time, we will send copies to interested parties and make copies available to others upon request. If there are any questions concerning the contents of this document please call me at (202) 275-8389.

Sincerely yours,



Arnold P. Jones
Senior Associate Director

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<u>ABBREVIATIONS</u>		
DOJ	Department of Justice	
INS	Immigration and Naturalization Service	

Table I.1
Asylum Application Approval Rates
by
Type of Representation
(Projected, with associated sampling errors,
at the 95 percent confidence level a/b)

Applicant's Representation by Type of DOJ Agency	El Salvador				Nicaragua				Poland			
	Number	Percent	Number Decided	Approval Rate c/	Number	Percent	Number Decided	Approval Rate c/	Number	Percent	Number Decided	Approval Rate c/
INS District Director:												
Attorney	3,338	47	3,338	3.3%	1,203	20	1,133	6.8%	614	51	603	44%
Lower Limit	2,733	37	2,733	0.8%	923	16	860	4.2%	552	46	541	36%
Upper Limit	3,942	56	3,942	5.9%	1,483	25	1,406	9.5%	677	57	666	53%
Represented Themselves	3,699	51	3,572	1.4%	4,489	76	4,382	6.6%	496	42	492	55%
Lower Limit	3,077	42	2,956	1.1%	4,161	70	4,050	5.3%	435	36	431	44%
Upper Limit	4,322	61	4,198	1.6%	4,816	82	4,714	7.9%	556	47	552	66%
Other Representation h/	47	0.7	47	7.1%	172	2.9	172	5.6%	73	6.1	73	g/
Lower Limit	5	0.0	5	0.0%	56	0.9	56	0.0%	44	3.7	44	31%
Upper Limit	129	1.8	129	20.0%	289	4.9	289	12.0%	102	8.5	102	100%
Missing Data	85	1.2	85	0.0%	46	0.8	47	0.0%	9	0.8	9	0.0%
Lower Limit	2	0.0	2	d/	2	0.0	2	d/	2	0.0	2	d/
Upper Limit	201	2.8	201	d/	109	1.8	109	d/	21	1.8	21	d/
Total	7,169	100	7,042	2.3%	5,910	100	5,734	6.5%	1,192	100	1,177	50%
Lower Limit	6,540	88	6,408	1.1%	5,123	96	5,518	5.7%	1,164	97	1,146	47%
Upper Limit	7,798	112	7,675	3.5%	6,097	104	5,951	7.4%	1,221	104	1,208	54%
Immigration Judge:												
Attorney	2,685	70	897	0.5%	259	g/	166	0.0%	41	g/	32	12%
Lower Limit	2,117	51	535	0.2%	114	17/	49	d/	18	18/	11	0.0%
Upper Limit	3,252	89	1,258	0.8%	404	99	283	d/	65	111	52	33%
Represented Themselves	935	24	468	0.2%	139	g/	117	g/	15	22	14	0.0%
Lower Limit	565	14	201	0.0%	31	4/	17	0.0%	3	0	3	d/
Upper Limit	1,304	35	735	0.4%	248	59	215	62%	28	46	28	d/
Other Representation h/	212	5.5	127	0.0%	47	11	46	0.0%	8	13	5	0.0%
Lower Limit	30	0.7	3	d/	2	0	2	d/	2	0	1	d/
Upper Limit	395	10.4	269	d/	109	25	109	d/	19	30	13	d/
Missing Data	3	0.1	3	100%	0	0	0	e/	0	0	0	e/
Lower Limit	3	0.0	3	d/	d/	d/	d/	e/	d/	d/	d/	e/
Upper Limit	5	0.1	5	d/	d/	d/	d/	e/	d/	d/	d/	e/
Total	3,835	100	1,495	0.6%	445	100	329	7.1%	64	100	51	7.4%
Lower Limit	3,206	77	1,043	0.4%	258	40	166	0.0%	35	37	25	0.0%
Upper Limit	4,464	123	1,948	0.8%	362	159	491	21%	92	163	76	20%
Grand Total	11,004	100	8,537	2.0%	6,355	100	6,063	6.6%	1,256	100	1,228	49%
Lower Limit	f/	f/	7,985	1.0%	f/	f/	5,912	5.5%	f/	f/	1,210	45%
Upper Limit	f/	f/	9,089	3.0%	f/	f/	6,215	7.7%	f/	f/	1,246	52%

- a/ Based on a sample of applications with a calendar year 1984 advisory opinion.
b/ Percentages greater than 10 percent are significant to the nearest whole number; where indicated, percentages less than 10 percent are significant to one decimal position.
c/ DOJ had not reached a decision on all applications. Approval rates were calculated from applications with a decision.
d/ Using the appropriate sampling formula, no upper or lower limits can be calculated when there are 0 percent or 100 percent occurrences in this category.
e/ There were no cases in this category and therefore a rate could not be calculated.
f/ No sampling error was calculated because the grand total number was derived by counting the universe.
g/ Estimates not reported when the difference between the upper and lower confidence limits is equal to or greater than 49 percent.
h/ Religious, charitable, social service or similar organization.

Iran				Worldwide			
Number	Percent	Number Decided	Approval Rate c/	Number	Percent	Number Decided	Approval Rate c/
4,434	75	4,312	65%	12,136	49	11,734	36%
4,092	69	3,965	55%	11,066	44	10,669	30%
4,776	82	4,657	74%	13,206	54	12,788	42%
1,164	20	1,106	g/	11,730	47	11,236	16%
881	15	828	51%	10,683	43	10,212	13%
1,447	25	1,384	100%	12,777	52	12,261	20%
268	4.6	268	g/	733	2.9	733	g/
120	2.0	120	16%	415	1.7	415	16%
416	7.1	416	100%	1,051	4.2	1,051	87%
16	0.3	16	0.0%	256	1.0	157	0.0%
1	0.0	1	d/	20	0.1	21	d/
47	0.8	47	d/	493	2.0	293	d/
5,882	100	5,702	69%	24,855	100	23,860	27%
5,673	95	5,472	64%	23,823	94	22,805	24%
6,092	105	5,931	74%	25,888	106	24,915	29%
496	74	398	g/	5,144	68	2,460	12%
313	38	229	0.0%	4,222	53	1,762	0.0%
679	110	568	52%	6,066	83	3,158	23%
157	24	83	g/	2,041	27	1,278	3.9%
49	6	4	0.0%	1,388	18	735	0.0%
266	41	165	96%	2,693	36	1,821	9.3%
17	2.4	0	e/	383	5.1	178	0.0%
1	0.0	d/	e/	107	1.3	23	d/
47	7.1	d/	e/	658	8.8	334	d/
0	0.0	0	e/	3	0.0	3	100%
d/	d/	d/	e/	3	0.0	3	d/
d/	d/	d/	e/	5	0.1	5	d/
670	100	481	g/	7,571	100	3,919	8.6%
460	56	296	2%	6,538	81	3,071	1.5%
879	144	668	51%	8,603	119	4,769	16%
6,552	100	6,183	66%	32,426	100	27,779	24%
f/	f/	6,034	61%	f/	f/	26,894	22%
f/	f/	6,332	70%	f/	f/	28,665	26%

Table I.2
 Asylum Application Approval Rates
 by
 Detention Status of Applicants
 (Projected, with associated sampling errors,
 at the 95 percent confidence level a/b/)

Applicant's Detention Status c/	El Salvador				Nicaragua				Poland				
	Number	Percent	Number Decided	Approval Rate d/	Number	Percent	Number Decided	Approval Rate d/	Number	Percent	Number Decided	Approval Rate d/	
Detained h/ Lower Limit Upper Limit	2,981	27	811	0.5%	186	2.9	93	0.0%	22	1.8	9	f/	
	2,393	22	465	0.3%	62	1.0	4	e/	5	0.4	2	0.0%	
	3,568	32	1,156	0.8%	310	4.9	182	e/	40	3.2	21	100%	
No Evidence of Detention Lower Limit Upper Limit	8,023	73	7,726	2.2%	6,169	97	5,970	6.7%	1,234	98	1,219	49%	
	7,436	68	7,122	1.1%	6,045	95	5,797	5.6%	1,216	97	1,197	45%	
	8,611	78	8,331	3.2%	6,293	99	6,143	7.8%	1,251	100	1,240	52%	
Total Lower Limit Upper Limit	11,004	100	8,537	2.0%	6,355	100	6,063	6.6%	1,256	100	1,228	49%	
		g/	g/	7,985	1.0%	g/	g/	5,912	5.5%	g/	g/	1,210	45%
		g/	g/	9,089	3.2%	g/	g/	6,215	7.7%	g/	g/	1,246	52%

- a/ Based on a sample of applications with a calendar year 1984 advisory opinion.
 b/ Percentages greater than 10 percent are significant to the nearest whole number; where indicated, percentages less than 10 percent are significant to one decimal position.
 c/ Represents individual filing the application. Does not represent any family member who may be included on the application.
 d/ DOJ had not reached a decision on all applications. Approval rates were calculated from applications with a decision.
 e/ Using the appropriate sampling formula, no upper or lower limits can be calculated when there are 0 percent or 100 percent occurrences in this category.
 f/ Estimates not reported when the difference between the upper and lower confidence limits is equal to or greater than 49 percent.
 g/ No sampling error was calculated because the total number was derived by counting the universe.
 h/ Represents applicants who were apprehended and detained by INS. Of these aliens, 241 (3 to 525) had no evidence of release in their files; 4,457 (3,609 to 5,304) were released on immigration bond, and 31 (3 to 81) were released on their own recognizance.

Iran				Worldwide			
Number	Percent	Number Decided	Approval Rate d/	Number	Percent	Number Decided	Approval Rate d/
248	3.8	190	f/	4,729	15	1,699	5.4%
116	1.8	74	0.0%	3,851	12	1,110	0.3%
380	5.8	306	94%	5,606	17	2,289	10.6%
6,304	96	5,993	66%	27,697	85	26,079	26%
6,172	94	5,809	62%	26,820	83	25,101	23%
6,436	98	6,177	71%	28,575	88	27,060	28%
6,552	100	6,183	66%	32,426	100	27,779	24%
g/	g/	6,034	61%	g/	g/	26,894	22%
g/	g/	6,332	70%	g/	g/	28,665	26%

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