

GAO

Briefing Report to the  
Honorable Arlen Specter  
United States Senate

January 1987

# ASYLUM

## Uniform Application of Standards Uncertain-- Few Denied Applicants Deported



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General Government Division

B-224935

January 9, 1987

The Honorable Arlen Specter  
United States Senate

Dear Senator Specter:

This briefing report is in response to your request that we study the practices and procedures of the Department of Justice (DOJ) and the Department of State (State) in judging applications for asylum in the United States. Of particular concern were the low rates of approval for applicants from Central America.

The Refugee Act of 1980 authorizes the Attorney General to (1) grant asylum to an alien who meets the definition of a refugee and (2) establish a uniform procedure for determining the eligibility of each asylum applicant. The Attorney General requires that State provide the Immigration and Naturalization Service (INS) an advisory opinion on the applicant's eligibility. As agreed with your office, the objectives of our study were to

- provide information on the standards being applied in granting and denying requests for asylum,
- determine whether DOJ and State are applying the same standards to asylum applicants regardless of their home country, and
- provide information on the status of denied asylum applicants.

The approval rates for asylum applications for the four countries included in our review were: El Salvador (2 percent); Nicaragua (7 percent); Poland (49 percent); and Iran (66 percent). Whether the difference in approval rates reflects a bias in the application of asylum standards is uncertain because INS generally does not document the reasons why applications are approved or denied. Few denied applicants, however, have been deported.

To study the asylum decisionmaking process, we reviewed pertinent legislation and regulations; interviewed officials in INS, DOJ's Executive Office for Immigration Review (EOIR) which has responsibility for the Office of the Chief Immigration Judge and the Board of Immigration Appeals, the Department of State, and the Office of the United Nations High Commissioner

for Refugees; and analyzed 1,450 asylum applications and INS case files. We projected the results of our analysis to a universe of 32,426 advisory opinions rendered by State in calendar year 1984. Our review was performed between May 26, 1985, and July 18, 1986, and was conducted in accordance with generally accepted government auditing standards.

The results of this review are summarized below and discussed in detail in appendix I. We present additional details of our objectives, scope, and methodology in appendix II.

### THE ASYLUM PROCESS

The Refugee Act of 1980 establishes the authority for an alien present in the United States to apply for asylum regardless of the alien's immigration status (legal or illegal). An alien may apply to an INS district director and/or an EOIR immigration judge. Approximately 77 percent of the asylum applications (24,855 of 32,426) were submitted only to a district director.

In order to qualify for asylum, an alien must meet the definition of a refugee as defined in the U.S. Refugee Act of 1980. A refugee is any alien who is unwilling or unable to return to his or her home country (or country of habitual residence) because of a well-founded fear of persecution on account of race, religion, nationality, political opinion, or membership in a social group. Congress adopted the refugee definition (which generally corresponds to the definition in the United Nations' Convention and Protocol Relating to the Status of Refugees) to eliminate past discrimination on the basis of geographical and ideological restrictions. Before the act, the definition of refugee was limited to those fleeing communist countries or the Middle East.

Internal civil or military strife in an applicant's home country is not, in itself, sufficient justification for asylum. The alien must demonstrate that he or she will be singled out for persecution under one or more of the five categories in the 1980 Act because of a belief or characteristic that distinguishes the applicant from the population at large.

District directors and immigration judges in ruling on asylum applications assess the credibility of the evidence presented by the applicant. However, no uniform standards have been established for the type and amount of evidence needed to prove that a given applicant has a well-founded fear of persecution and is eligible for asylum. Federal courts have disagreed on the standard of proof needed, and the Supreme Court heard oral arguments on this issue on October 7, 1986.

REASONS FOR INS ASYLUM DECISIONS  
NOT ALWAYS DOCUMENTED

DOJ and State have little data to determine whether asylum eligibility standards are being uniformly applied. Although DOJ regulations require immigration judges to provide an oral or written record of the evidence used to support their reasons for granting or denying asylum, INS district directors are not required to explain their decision. Similarly, State officials are not required to provide an explanation for the advisory opinion they render to DOJ.

For the cases in our study, INS district directors and State officials wrote that the applicant had or had not met the statutory standard for asylum eligibility. However, approximately 73 percent of the files did not contain any explanation of the basis for the decision. Twenty-seven percent of the INS files contained documentation, including INS examiner notes and opinions, which provided reasons and insights regarding the basis of the decision. Sixteen percent of State's advisory opinions rendered in 1984 contained an explanation of the reason for the opinion.

FEW DENIED ASYLUM APPLICANTS  
HAVE BEEN DEPORTED

Based on our study, about 2 percent of the denied aliens had been deported, 13 percent remained in the United States either awaiting hearings or under other immigration provisions, and a negligible percent had left voluntarily. About 80 percent had uncertain immigration status because INS had not started deportation proceedings. In only five cases was there evidence in INS files that those denied had left the country on their own. Two percent of the applicants had been issued a deportation order, but there was no evidence of departure. INS officials told us that many of the denied applicants not yet deported are probably in the United States but INS does not have sufficient resources to locate and deport these aliens. Accordingly, denial of an asylum application cannot be equated with routine deportation.

CONCLUSIONS

The ability to monitor and assess the asylum process is limited because (1) INS district directors, for the most part, do not document the specific reasons why they determine that asylum applicants are or are not eligible for asylum and (2) INS is unable to adequately address whether denied applicants are routinely deported.

Without a documented rationale supporting the asylum decisions, INS management cannot determine whether asylum standards are being uniformly applied without regard to an applicant's home country. Therefore, whether the Refugee Act of 1980 has been implemented as intended and whether past discrimination based on geographical and ideological considerations has been eliminated are uncertain.

Given the heavy workload facing INS, it is understandable that INS would have difficulty allocating the additional resources to process denied asylum applicants for deportation. However, once asylum is denied, efforts should be made to assure that the applicant is deported. INS may be able to obtain needed staff for this effort by requesting additional resources or by reprogramming staff in order to place the denied applicants in deportation proceedings.

RECOMMENDATIONS TO THE  
ATTORNEY GENERAL

GAO recommends that the Attorney General direct that the Commissioner of INS, in order to better monitor, assess, and manage the asylum process (1) document for each asylum decision why the facts that form the basis of the asylum request have been determined to be either sufficient or insufficient for asylum, (2) collect, summarize, and review data on the status of denied asylum applicants, and (3) take action to place denied applicants in deportation proceedings where appropriate.

As requested by your office, we did not obtain official agency comments on this report. However, we discussed the report with INS, EOIR, and State officials, who generally agreed with its contents and their comments were considered in preparing the final report.

As arranged with your office, unless you publicly announce the contents of the report earlier, we plan no further distribution until 7 days from the date of the report. At that time, we will send copies to interested parties and make copies available to others upon request.

Sincerely yours,

*W. J. Anderson*

William J. Anderson  
Assistant Comptroller General

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#### ABBREVIATIONS

|       |   |
|-------|---|
| BHRHA | Bureau of Human Rights and Humanitarian Affairs |
| DOJ   | Department of Justice                           |
| EOIR  | Executive Office for Immigration Review         |
| GAO   | General Accounting Office                       |
| INS   | Immigration and Naturalization Service          |
| OSC   | Order to show cause                             |



ASYLUM: UNIFORM APPLICATION OF STANDARDS  
UNCERTAIN--FEW DENIED APPLICANTS DEPORTED

BACKGROUND

United States law allows aliens legally or illegally in this country to apply for asylum. To be granted asylum, an alien is required to demonstrate a well-founded fear of persecution in his or her home country (or country of habitual residence for those persons having no nationality) because of race, religion, nationality, political opinion, or membership in a social group.

The Refugee Act of 1980

In response to the rapid increase in the number of refugees entering the United States from around the world, Congress enacted the Refugee Act of 1980. The act provided, for the first time, a comprehensive U.S. refugee policy, creating a systematic and flexible procedure for the admission of refugees of special humanitarian concern to the United States. The act was a product of congressional dissatisfaction with the ad hoc legislative and administrative actions that had made up this country's response to refugee problems over the previous 30 years.

The Refugee Act established the authority for any alien present in the United States, or at a land border or port of entry, to apply for asylum irrespective of the alien's immigration status. The act authorizes the Attorney General in his discretion to grant asylum to an alien who meets the definition of a refugee and requires that the Attorney General establish a uniform procedure for determining the eligibility of an alien for asylum. The Attorney General has delegated his authority to grant asylum to the Immigration and Naturalization Service (INS) district directors and Executive Office for Immigration Review (EOIR) immigration judges. INS regulations (Title 8 of the Code of Federal Regulations) require district directors and immigration judges to request an advisory opinion from the Department of State on the applicant's eligibility.

According to the House Conference Report 96-608, the act brought the United States into conformity with its treaty obligations under the United Nations Convention and Protocol Relating to the Status of Refugees. The act incorporates the internationally accepted U.N. definition of a refugee as a person who is unable or unwilling to return to his or her home country because of a well-founded fear of persecution on account of race, religion, nationality, political opinion or membership in a particular social group.

One of Congress' primary objectives in adopting this definition of a refugee was to eliminate discrimination on the basis of outmoded geographical and ideological considerations. Before the act, U.S. asylum policy was limited to refugees from communist countries and the Middle East. The House Judiciary Committee held that the previous definition of a refugee was clearly unresponsive to the existing diversity of refugee populations and did not adequately reflect traditional U.S. humanitarian concern for refugees throughout the world.

During deliberations on the act, Congress considered expanding the U.N. definition of a refugee to include displaced persons fleeing military or civil strife, or persons uprooted because of arbitrary detention. The United Nations' Handbook on Procedures and Criteria for Determining Refugee Status<sup>1</sup> states that persons compelled to leave their country of origin as a result of international or national armed conflicts are not normally considered refugees under the U.N. Convention and Protocol on the Status of Refugees. The Senate bill, however, contained a definition that included persons who have been displaced by military or civil disturbances or uprooted by arbitrary detention and are unable to return to their usual place of abode. The House bill contained only the U.N. refugee definition. The conference committee adopted the House definition of a refugee, not the Senate's.

#### THE ASYLUM PROCESS

An alien may apply for asylum in any of the following ways:

- An alien may apply to the INS district director having jurisdiction over the alien's place of residence if exclusion or deportation proceedings have not been instituted.<sup>2</sup>
  
- An alien may apply for asylum to an immigration judge in EOIR during deportation or exclusion proceedings.

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<sup>1</sup>Handbook on Procedures and Criteria for Determining Refugee Status (Geneva, Sept. 1979).

<sup>2</sup>Deportation proceedings are conducted for aliens apprehended after entry into the United States. Exclusion proceedings are held for aliens apprehended while attempting to enter the United States.

-- An alien who was previously denied by an INS district director may renew his or her asylum request during a deportation proceeding.

The application may include the alien's spouse and children under the age of 21. We estimate that the 32,426 applications for asylum for which State rendered advisory opinions to INS and EOIR in 1984 represented 64,026 individuals.

In order to qualify for asylum, an applicant must satisfy each of the following four conditions contained in the statutory definition of a refugee: (1) the alien must have a fear of persecution; (2) the fear must be well-founded; (3) the persecution feared must be on account of race, religion, nationality, political opinion, or membership in a particular social group; and (4) the alien must be unable or unwilling to return to his or her country of nationality or country of habitual residence because of persecution or a well-founded fear of persecution. Any person who ordered, incited, assisted or participated in the persecution of others is not eligible for asylum.

The asylum applicant bears the burden of (1) proving the truth of the facts that form the basis of his or her claims and (2) demonstrating that the supporting facts meet the statutory standard for asylum. No uniform standards have been established, however, for the type of evidence an applicant needs to prove he or she meets the definition of a refugee and is eligible for asylum.

#### Applying to the INS district director

Seventy-seven percent of the asylum applications (24,855 of 32,426) were submitted, in some cases with supporting documents, only to an INS district office. Once an application is received at a district office, an INS examiner interviews the applicant under oath. The applicant's interpreter and attorney may be present. The interview is conducted to give the applicant an opportunity to explain in detail the reasons for requesting asylum and to give the examiner an opportunity to assess the credibility of the applicant.

After the interview some INS examiners make a preliminary decision on the applicant's eligibility which they forward to State; other examiners do not. In either case, the INS examiner sends the application to the Bureau of Human Rights and Humanitarian Affairs (BHRHA) in the State Department for an

advisory opinion before a final determination is made on each case. According to BHRHA officials, their knowledge of conditions prevailing in the applicant's home country contributes to this opinion as to whether the applicant has demonstrated a well-founded fear of persecution.

After receiving the advisory opinion, the INS district director approves or denies the application. The district director sends a letter to the alien stating whether he or she has qualified for asylum.

If the application is approved, the alien is granted asylum status for a period of 1 year and is considered an asylee. After having been physically present in the United States for at least 1 year, the asylee is eligible to apply for legal permanent residence status. The Refugee Act established that not more than 5,000 asylees may be granted legal permanent residence status in each fiscal year. During fiscal years 1984 and 1985, the 5,000 limit was met and waiting lists were created.

The denied applicants cannot appeal the district director's decision. They can, however, renew the applications during deportation hearings before an immigration judge.

#### Applying for asylum before an immigration judge

Approximately 23 percent of the asylum applications (7,571 of 32,426) were from aliens who applied for asylum after being placed in exclusion or deportation hearings. INS takes such aliens, considered to be in the country illegally, into custody and serves them a warrant of arrest and an "order to show cause" (OSC) why the alien should not be deported. The OSC contains the factual allegations and the charges against the alien and initiates the deportation process. The INS district director, at his or her discretion, may maintain custody of the alien or release the alien on bond or conditional parole.

By regulation, INS must advise apprehended aliens of their right, during deportation proceedings, to representation by counsel at no expense to the government, and the availability of free legal programs through non-profit organizations. In Orantes-Hernandez v. Smith (C.A. 82-1107), a case before the U.S. District Court, the issue is whether INS officials must advise apprehended aliens of their opportunity to apply for asylum. A decision is expected in early 1987. The deportation hearing held before an immigration judge determines whether the alien should be deported. If an alien indicates to the judge an interest in

applying for asylum, deportation hearings are recessed to permit the alien time to prepare and submit an application.

After the asylum application is received, it is sent to the BHRHA for an advisory opinion. The judge is not required to request a BHRHA opinion if a previous opinion on the case has been received unless circumstances have changed substantially. Most judges, however, routinely request opinions.

After the advisory opinion is received, the immigration judge conducts a hearing on the asylum application. The applicant may have legal counsel and may present evidence and testimony at the hearing. An INS trial attorney is assigned to each proceeding to present evidence, cross-examine the applicant and witnesses, and otherwise represent the government at the hearing. The judge may also cross-examine the applicant and witnesses. By regulation, immigration judges must discuss the evidence pertinent to the asylum application and record the reasons for granting or denying the request when rendering a decision.

An immigration judge's decision can be appealed to the Board of Immigration Appeals. The board's decision can be appealed to the U.S. District Court, or the U.S. Court of Appeals, and those decisions can be appealed to the U.S. Supreme Court. In 313, or about 1 percent, of the applications the judge's decision was appealed to the board. As of July 1986, no decisions had been appealed to the other courts.

APPLICANT MUST PROVE THAT  
FEAR OF PERSECUTION IS WELL-FOUNDED

The Refugee Act of 1980 did not define a well-founded fear of persecution, nor did it specifically identify how an alien must prove his or her fear is well-founded. Board of Immigration Appeals decisions establish that the applicant must demonstrate that the fear of persecution is more than a purely subjective or conjectural fear. The applicant is required to prove that his or her fear has a sound basis in personal experiences with objective facts that show there is a "clear probability" or "realistic likelihood" (greater than 50 percent chance) of persecution. An applicant's broad assertions and undocumented statements are generally not enough to prove that a well-founded fear of persecution exists. The "clear probability" standard was used prior to the Refugee Act in deciding whether to withhold deportation of an alien for fear he or she may be persecuted upon return to his or her home country.

General conditions existing within a country, such as civil strife, national disasters or political unrest, do not alone provide the evidence needed for granting asylum. The alien must demonstrate that he or she will be singled out or targeted for persecution on the basis of one or more of the five categories in the act because of a belief or characteristic which distinguishes the applicant from the population at large. The applicant must show that the persecutor will inflict suffering or harm in order to punish the alien for differing in a way the persecutor deems offensive.

According to the Board of Immigration Appeals, well-founded fear will be established if (1) the alien possesses a belief or characteristic a persecutor seeks to overcome by punishment of some sort; (2) the persecutor is aware, or could easily become aware, that the alien possesses the characteristic that is the basis for persecution; (3) the persecutor has the capability to carry out persecution; and (4) the persecutor has the inclination to punish the alien.

Standard of proof for "well-founded fear of persecution" to be evaluated by the U.S. Supreme Court

To date, federal courts have not agreed upon a common standard of proof for a "well-founded fear of persecution." U.S. Courts of Appeals decisions have differed over whether the "clear probability" standard is the same as the "well-founded fear of persecution" standard, or whether the well-founded fear standard is more generous to the alien. Aliens are required to meet the "clear probability" standard to avoid deportation on the grounds of persecution.

The Court of Appeals for the Second Circuit held in Stevic v. Sava, 678 F.2d 401 (2d Cir. 1982), that "asylum may be granted and . . . deportation must be withheld upon a showing far short of a 'clear probability' that an individual will be singled out for persecution." In INS v. Stevic, 467 U.S. 407 (1984), DOJ appealed the Second Circuit Court decision. The Supreme Court reversed the decision, finding no support for the Second Circuit Court's conclusion in either the language that preceded the Refugee Act, the structure of the amended act, or the legislative history. The Supreme Court deliberately avoided any attempt to state the governing standard for asylum. Instead, it confined its analysis to the standard that applies for withholding of deportation. The Supreme Court decided that withholding of deportation requires evidence establishing it is more likely than

not that the alien would be subject to persecution on one of the specified grounds.

The Court of Appeals for the Third Circuit in Rejaie v. INS, 691 F.2d 139 (3d Cir. 1982), concluded that the "well-founded" and "clear probability" standards are identical. According to the court, an alien must present some objective evidence establishing a realistic likelihood that he or she would be persecuted in his or her native land. The Court of Appeals for the Ninth Circuit, on the other hand, held in Cardoza-Fonseca v. INS, 767 F.2d 1448, 1451 (9th Cir. 1985), that the government could not deport a Nicaraguan asylum applicant as long as she had "some objective basis" for fearing persecution upon return to her home country. The Court of Appeals for the Ninth Circuit found that the "clear probability" standard was not applicable to asylum claims. The Court described the "well-founded fear" standard as one based on some objective but not conclusive facts. The government appealed this decision to the Supreme Court and urged the Supreme Court to rule that aliens are not entitled to asylum unless they can show it is more likely than not that the alien would be subject to persecution. The Supreme Court heard oral arguments on this case on October 7, 1986.

REASONS FOR INS ASYLUM DECISIONS  
NOT ALWAYS DOCUMENTED

DOJ and State have little data to determine whether asylum admission standards are being uniformly applied. INS officials, and State officials in rendering advisory opinions are not required to explain the specific reasons why the facts that form the basis of the asylum application are or are not sufficient to merit eligibility for asylum.

Immigration judges are required by regulation to give an oral or written decision which includes a discussion of the evidence pertinent to the asylum application and the reasons for granting or denying the request. However, INS district directors and BHRHA'S Office of Asylum Affairs director usually only state that the applicant has or has not met the statutory standard of eligibility.

There is generally little or no elaboration of the applicant's specific circumstances as these relate to the law, regulations, or precedent decisions, and there is usually no reason given for the approval or denial of the application. Approval and denial letters sometimes commented on whether the district directors' decisions were based on State's advisory opinion and usually included a copy of the opinion. About 16

percent of the advisory opinions rendered in 1984 contained a detailed explanation for the opinion.

According to State officials, BHRHA is issuing more individualized advisory opinions since 1984, the period covered in our study. Their current policy requires that an explanation be written for their opinion in cases when a second opinion is requested by INS and when the INS preliminary decision differs from State's opinion.

We found that 27 percent of the INS asylum application files contained documentation, including INS examiner notes and opinions, which provided information on the basis for the decision. The remaining 73 percent of the files did not contain any explanation of the decisions beyond the determination that the applicant had or had not met the statutory standard for asylum eligibility.

Five district directors told us that they do not routinely write out the reasons for their decisions because there is no requirement to do so. Two of the directors said that the burden of proof is incumbent on the applicant and that INS approves or denies an application at its discretion. INS headquarters officials said that although asylum decisions by district directors are not appealable, they may be renewed for consideration by immigration judges; therefore, there has been no compelling reason for detailed explanations of decisions by district directors. Two district directors and INS headquarters officials said that writing the reasons for their decisions would be helpful in their management and review of the asylum process but they did not have the staff to record the reasons.

In our study, about 90 percent of the 21,032 applications were denied by INS. With no requirement to document decisions, it is uncertain as to whether all applications were treated fairly and were held to the same standards.

#### INS study cites lack of uniformity in asylum decision procedures

A 1982 INS study of asylum decisions concluded that the absence of comprehensive guidelines and regulations for making asylum decisions sometimes results in one district or asylum examiner rejecting a claim that another district or examiner would accept. The study stated that there are few guidelines to enable examiners to rule on asylum eligibility uniformly in each district. The study recommended that INS, among other things, develop a monitoring and quality control mechanism to ensure uniformity among districts.



Since the issuance of its 1982 study, INS has made improvements in managing its asylum workload by clearing the backlog of applications, increasing asylum adjudication training, and encouraging district directors to designate certain INS examiners for the handling of asylum applications to improve their subject matter expertise. INS headquarters staff have visited several district offices and reviewed asylum application files. However, any review of asylum decisions would be difficult because INS does not require that the applicant's file contain the specific reasons for approving or denying the application.

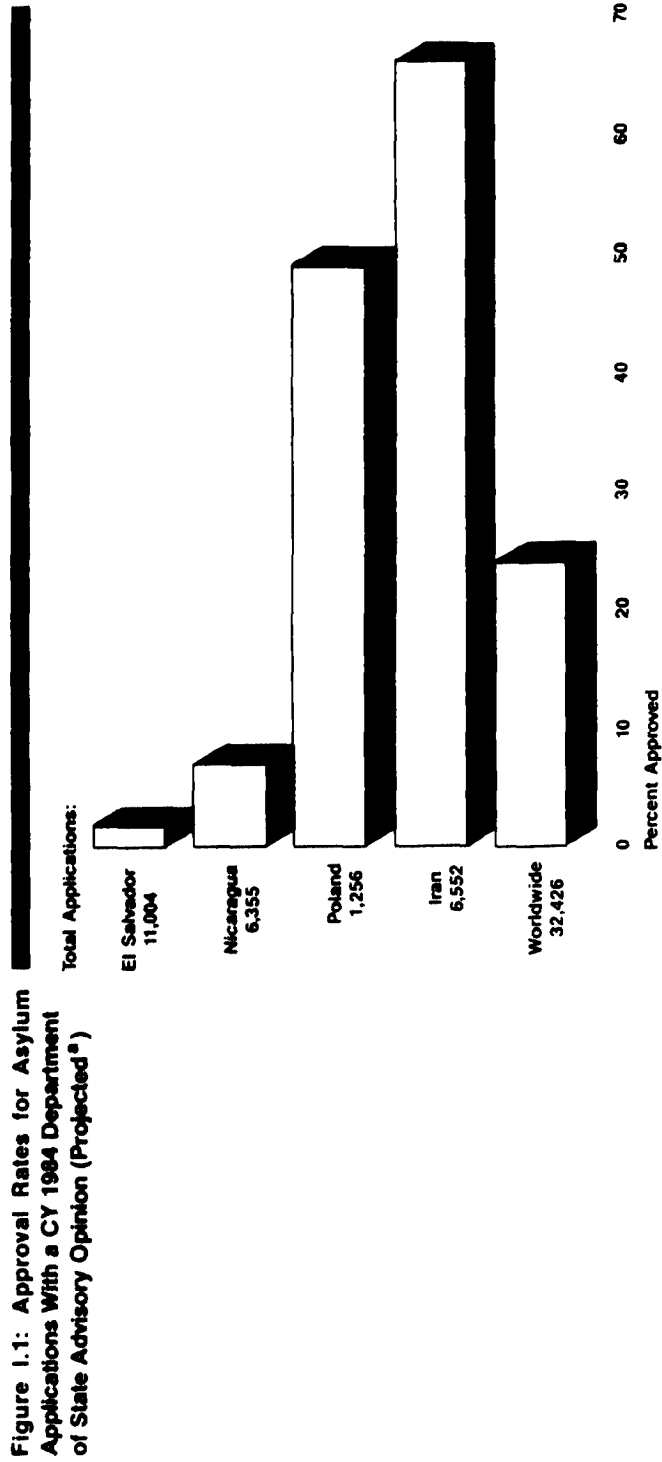
According to INS headquarters officials, as of September 1986, DOJ was considering new asylum regulations that would provide for a centralized system of asylum adjudication. A corps of asylum officers who would report to INS headquarters and not to district directors would be established. This organizational arrangement, according to INS officials, would likely result in more specific guidelines for the adjudication as well as the administrative review of claims. INS officials said that no significant change can be made in this area without rulemaking; therefore, they have concentrated their efforts on developing new regulations setting forth procedures which promote greater consistency and quality in the decisions.

#### APPROVAL RATES FOR ASYLUM REQUESTS

We analyzed asylum applications and other available documentation to determine approval rates in a variety of circumstances, identify factors associated with approvals and denials, and determine whether DOJ decisions and State advisory opinions agreed. This analysis revealed differences in approval rates between the four countries in our study but does not necessarily indicate a bias in the application of asylum standards because reasons for the approvals generally are not documented. Our analysis of 1,450 asylum files projected to a universe of 32,426 applications is discussed below.

#### Approval rates vary by country

Of the 32,426 asylum applications worldwide, 25,167 (78 percent) were from El Salvador, Nicaragua, Poland and Iran. Approval rates for applicants from El Salvador (2 percent) and Nicaragua (7 percent) were much lower than approval rates for applicants from Poland (49 percent) and Iran (66 percent). The worldwide approval rate was 24 percent. For a breakdown of approval rates by country, see figure I.1.



<sup>a</sup> See Table II.2.

At the completion of our case file analysis in 1986, DOJ had not decided or documented the status of 4,646 of the asylum applications, of which 68 percent (or 3,157 applications) were from the four countries we studied. Applications from El Salvador made up 53 percent of the undecided cases.

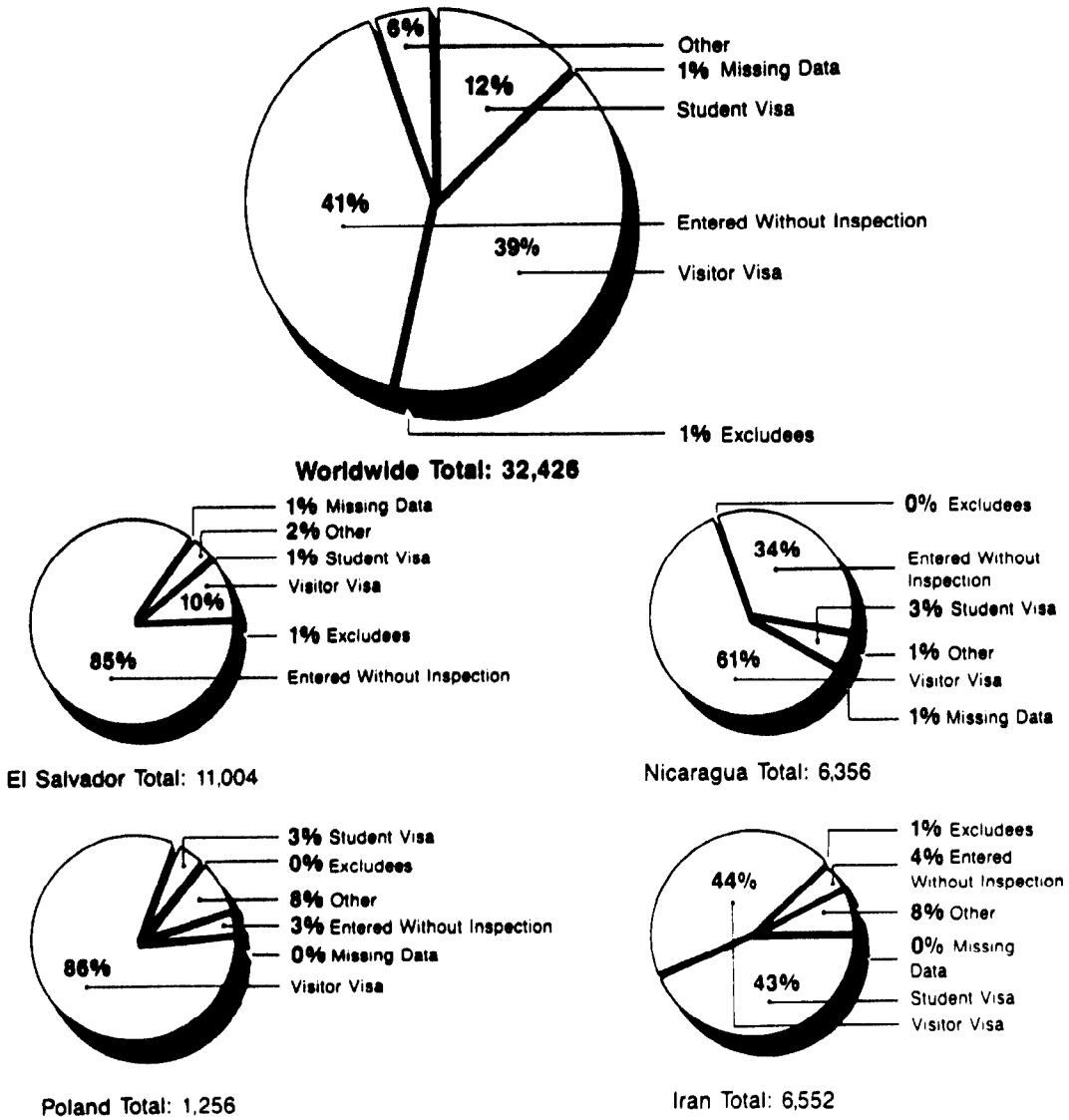
Asylum applicants entered the United States  
legally and illegally

Worldwide, 51 percent (16,644) of the asylum applications were from aliens who entered the United States either on visitor visas (39 percent) or student visas (12 percent) before applying for asylum. Thirty-six percent of these applications were approved. The approval rate was 30 percent for those who entered with visitor visas and 58 percent for those who entered with student visas. Forty-two percent of the asylum applications were for those aliens who entered without inspection or attempted to enter illegally. These were approved at a rate of 2 percent worldwide. The legal status for the remaining applicants (7 percent) could not be determined.

Aliens from Iran entered predominantly on visitor visas (44 percent) and student visas (43 percent), and aliens from Poland entered usually on visitor visas (86 percent). Aliens from Nicaragua also entered on visitor visas (61 percent) but were approved at a much lower rate (9 percent) than visitors from Iran (64 percent) and Poland (44 percent).

Almost all applications from El Salvador were from aliens who entered illegally (85 percent), of which 0.4 percent were granted asylum. The applications for those Salvadorans who entered legally had approval rates of 13 percent for those who entered on visitor visas and 2 percent for those who entered on student visas. See figure I.2.

Figure I.2: Applicants' Immigration Status at Entry into the United States (Projected <sup>a, b</sup>)



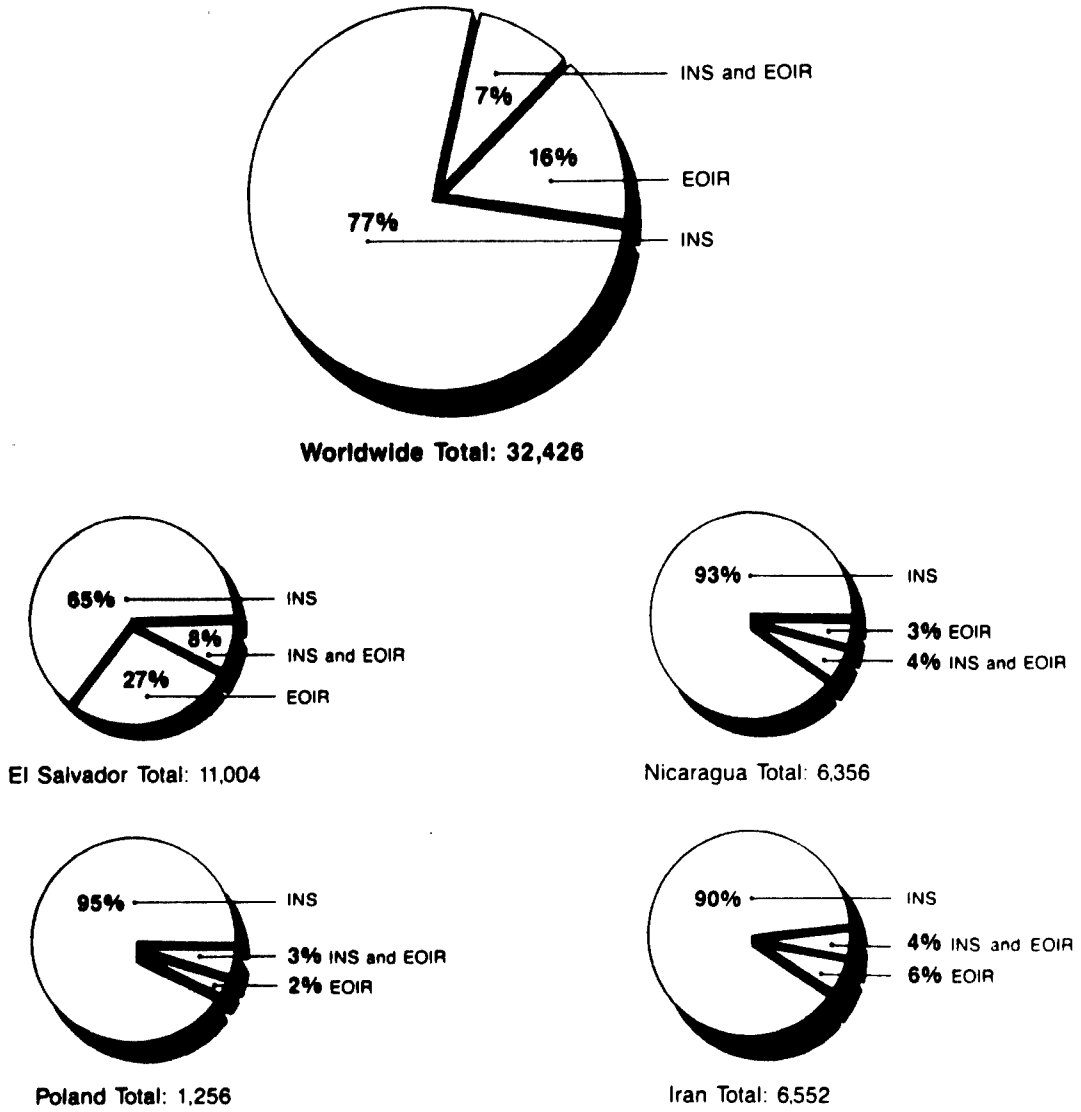
<sup>a</sup>Based on a sample of applications with a CY 1984 advisory opinion.

<sup>b</sup>See Table II.3.

Asylum requests to INS and EOIR

Approval rates for applications filed with INS district directors only are higher (27 percent) than those originating at the EOIR (6 percent) and those initially denied by INS and renewed before EOIR (11 percent). Worldwide, 77 percent of asylum applications were filed only with a district director, while 16 percent were filed with the EOIR, and 7 percent were denied by a district director and renewed before an immigration judge. Sixty-five percent of the applications from El Salvador and approximately 9 out of 10 asylum applications from Iran, Poland, and Nicaragua were filed only with a district director. See figure I.3.

Figure I.3: Asylum Applications Filed at INS and EOIR (Projected<sup>a, b</sup>)



<sup>a</sup>Based on a sample of applications with a CY 1984 advisory opinion.

<sup>b</sup>See Table H.4.

Asylum requests for fear of  
persecution because of religion

Worldwide, 4,759 (15 percent) of the asylum applications were from aliens who claimed fear of persecution because of religion. These applications were approved at a rate of 82 percent. Most of them, 3,849 (81 percent), were Iranians, with an 87 percent approval rate.

INS and State officials said that the applications based on fear of persecution because of religious beliefs had the highest approval rate because the applicants' claims were well documented and persecution of religious groups is well known to occur in Iran. Our analysis supports these observations and shows that 86 percent of the applications based on persecution for religious beliefs contained supporting documents such as baptismal certificates or letters from clergy which specifically mentioned the applicant.

Asylum requests for fear of  
persecution because of race,  
nationality, political opinion  
or membership in a social group

Fear of persecution because of political opinion was claimed on 16,358, or approximately one-half, of the applications worldwide. About 18 percent of these applications were approved. Almost 90 percent of the applications from Nicaragua and Poland were based upon political opinion. Such applicants from Poland were approved at a rate of 51 percent, and those from Nicaragua were approved at a 7 percent rate.

Less than 2 percent of the applicants worldwide claimed a fear of persecution because of race, nationality, or membership in a social group.

Feared mistreatment because of internal strife

Worldwide, 7,643 (24 percent) of the asylum applications did not fall under any of the five categories within the refugee definition and feared harm based upon conditions of internal civil or military strife. Eighty-seven percent of these applications were from El Salvador. All of the applications involving internal strife were denied.

In reviewing asylum claims based upon internal strife, we noted that these applications did not always include documentation, and the applicants often claimed neutrality in a

conflict between the government and guerrilla forces. The applicants seldom claimed membership in any organizations.

Severity of mistreatment  
described by applicants

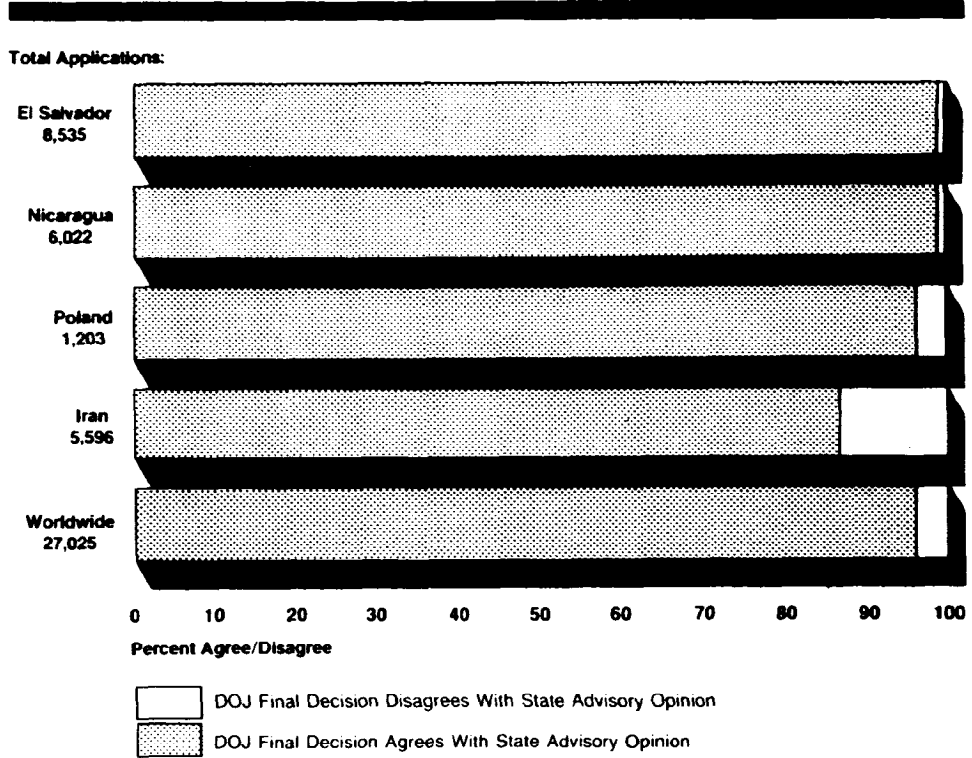
Asylum applicants described a wide range of mistreatment to themselves and others in support of their requests for asylum. Applicants from different countries who claimed to have suffered similar mistreatment did not have similar approval rates. Worldwide, among the 9,941 applicants who claimed they were arrested, imprisoned, had their life threatened, or were tortured, we found an approval rate of 19 percent. Of these aliens, applicants from El Salvador and Nicaragua had a much lower approval rate than applicants from Poland and Iran. However, these statistics should be viewed with caution because we could not determine the influence of such factors as the adequacy of documentation and severity of mistreatment on approval rates.

DOJ and State Department  
agree on asylum decisions

DOJ's decision to approve or deny an asylum request and the State Department's advisory opinion agreed in 96 percent of 27,025 cases. For the four countries, the percentage of agreement was: El Salvador--99 percent; Nicaragua--99 percent; Poland--96 percent; and Iran--87 percent. See figure I.4.



Figure I.4: Percentage Department of Justice Final Decision Agreed With Department of State Advisory Opinion<sup>a</sup> (Projected<sup>b, c</sup>)



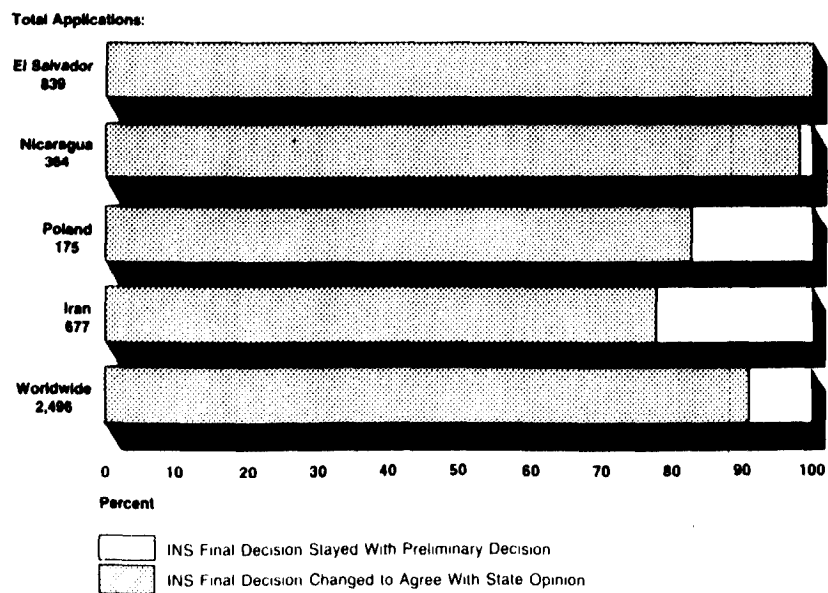
<sup>a</sup> Includes applicants with an INS district director or EOIR immigration judge and Department of State advisory opinion.

<sup>b</sup> Based on a sample of applications with a CY 1984 advisory opinion.

<sup>c</sup> See Table II.9.

In 2,496 applications worldwide, INS received advisory opinions that differed from the INS examiners' preliminary decisions. INS changed its preliminary decision and concurred with State in 92 percent of these cases. For the four countries, when State's advisory opinion disagreed with INS' preliminary decision, the INS final decision agreed with State at a high rate--99 percent for El Salvador, 98 percent for Nicaragua, 83 percent for Poland and 79 percent for Iran. See figure I.5.

**Figure I.5: Percentage INS Changed Its Final Decision When Department of State Advisory Opinion Differed From INS Preliminary Decision (Projected <sup>a, b</sup>)**



<sup>a</sup>Based on a sample of applications with a CY 1984 advisory opinion

<sup>b</sup>See Table II 9

FEW DENIED ASYLUM APPLICANTS ARE DEPORTED

There is a widespread perception by officials at various levels of government, several public interest groups, and some news media that the denial of an asylum application is tantamount to deportation and the potential for a denied applicant to become a victim of persecution upon return to his or her home country. Our analysis, however, shows that few denied asylum applicants are actually deported.

Of the 21,032 aliens who were denied asylum,

- 312 applicants (1.5 percent) were deported to their home country (none of the deported applicants were from Poland, Iran, or Nicaragua but 212 were from El Salvador);
- 434 applicants (2 percent) had a final order of deportation issued to them but there was no evidence of their departure in INS files;
- 5 applicants (less than 1 percent) had left the United States on their own;
- 1,971 applicants (9 percent) were awaiting a hearing before an immigration judge or the Board of Immigration Appeals;
- 915 applicants (4 percent) were able to remain in the United States because they obtained U.S. residency through other immigration provisions such as marriage to a U.S. citizen; and
- 17,068 applicants (81 percent) had uncertain immigration status because INS had not initiated deportation proceedings and there was no evidence of their departure in INS files.<sup>3</sup>

The status for the remaining aliens denied asylum (less than 2 percent) could not be determined from INS records.

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<sup>3</sup>Some denied asylum applicants were granted "extended voluntary departure" at the discretion of the Attorney General and were not required to leave the United States. However, INS does not collect statistics on the number of aliens in this status.

As our analysis shows, there is a large backlog of denied asylum applicants awaiting deportation proceedings. During our visits to INS district offices, we identified a backlog of approximately 28,000 denied applicants in three cities (Los Angeles, Miami, and San Francisco). INS district officials stated that they do not have sufficient investigative resources to determine whether the aliens have left the United States and, if not, to complete the necessary documents (the OSC) to initiate deportation proceedings.

INS officials at the district offices we visited were not clear on the policy to initiate actions leading to deportation hearings for denied asylum applicants. Their practices varied from initiating deportation proceedings for all denied applicants to not taking any actions beyond the district director denial of the request. A district director said that denied applicants do not notify INS if they depart the United States or if they move, making them very difficult to locate.

In June 1985, the INS Commissioner instructed all regional commissioners to issue OSCs on all denied asylum applicants who are ineligible for discretionary relief and to clear the backlog of these cases. INS district officials we met with said, however, that they would need a considerable amount of staff time and a change in priorities to do this.

An INS official in San Francisco said that it would take all of his 30 investigators 2-1/2 months of full-time work to clear their backlog of 7,500 to 8,000 cases. He estimated that the EOIR court in San Francisco, which was setting hearing dates for November 1987 at the time of our discussion in May 1986, would be forced to set hearing dates into the 1990s if INS cleared the backlog. INS Los Angeles district officials said that if their backlog of 12,000 cases were referred for deportation hearings, it would add another year to the court calendar.

While INS headquarters officials said that many of the denied asylum applicants have probably remained in the United States, they do not know. INS does not collect information regarding how many denied applicants (1) were deported, (2) voluntarily left the country, (3) remain in the country under other immigration provisions, (4) remain awaiting appeal, and (5) remain in the country awaiting follow-up action by INS.

DETAILED DESCRIPTION OF  
OBJECTIVES, SCOPE, AND METHODOLOGY

Senator Arlen Specter, a member of the Senate Judiciary Committee, asked GAO to study the practices and procedures of the Department of Justice and the Department of State in judging applications for asylum in the United States, especially concerning applicants from Central America. As agreed with the Senator's office, our objectives were to: (1) provide information on the standards being applied in granting and denying requests for asylum; (2) determine whether DOJ and State are applying the same standards across the board, regardless of the asylum applicant's country of origin; and (3) provide information on the status of denied asylum applicants.

To accomplish our objectives, we did work at the headquarters of the DOJ's Immigration and Naturalization Service; the Executive Office for Immigration Review, Office of the Chief Immigration Judge; the Department of State, Bureau of Human Rights and Humanitarian Affairs; Office of the United Nations High Commissioner for Refugees; and INS district offices in Baltimore, Chicago, Houston, Los Angeles, Miami, Newark, New York City, San Francisco, and Washington, D.C.

Our work included:

- conducting interviews with DOJ and State officials;
- observing asylum interviews and deportation hearings;
- researching applicable legislation, regulations, and operating instructions;
- reviewing existing studies of the asylum adjudication process; and
- conducting an analysis of approved and denied asylum applications nationwide.

To analyze the asylum applications, we selected a stratified random sample of 2,027 advisory opinions issued by State during calendar year 1984. We sampled advisory opinions from the four countries (El Salvador, Nicaragua, Poland, and Iran) which accounted for 79 percent of the total number of applications processed by INS in fiscal year 1984. We randomly selected an approximately equal number of favorable and unfavorable advisory opinions for each of the four countries in order to do a

comparative analysis of the characteristics associated with approved and denied applications.

Our sample also included a random selection of advisory opinions from other countries to provide an overview of worldwide trends. As agreed with Senator Specter's office, our review of asylum applications did not include applicants from Cuba and Haiti because of the unique characteristics of their claims.

We selected 1984 as our base year because we wanted some assurance that decisions would have been rendered for the majority of the cases selected in our sample. The advisory opinions rendered in calendar year 1984 included INS and EOIR asylum applications filed mainly from 1980 to 1984. INS, EOIR, and State officials informed us that 1984 was a unique year because the three agencies processed a large number of cases in order to eliminate the backlog of applications that had accumulated since 1980.

We used advisory opinions rendered by State as the universe for this study because INS and EOIR records could not provide us with the means to identify individuals who had filed asylum applications. Because State records identified individuals by name and an identifying number, we requested the appropriate applicant's files from INS. We also requested EOIR docket cards for aliens awaiting deportation or exclusion proceedings to determine the current status of each application.

Although State had an inconsistent record-keeping system for advisory opinions (the Latin American and Caribbean countries system differed from that for all other countries), we were able to estimate a universe size of 41,398 for 1984. This universe consisted of 26,923 individuals from Latin American and Caribbean countries (estimate obtained from State records) and 14,475 applications from the remaining countries (estimate obtained directly by GAO by measuring the number of index cards in file boxes). An application, though often representing only one person, could include an applicant plus family members. State's record-keeping system did not enable us to reconcile these different bases for estimating universe size. While we relied on these figures for statistical sampling purposes, they did not pose a problem to our methodology because we determined from the sample both the number of applications and the number of individuals they represented, and we made projections from this to the entire universe of asylum claims. Furthermore, in the process of selecting our sample, we determined by an actual count that the universe size was 32,426 asylum applications.

In our report, we refer interchangeably to numbers of applicants or applications. The reader should bear in mind that the total number of individuals who sought asylum exceeded the numbers reported here.

We selected our sample of 2,027 by using systematic sampling with a random start. We then requested INS district offices nationwide to provide us with the asylum application files that were in our the sample. At the time of our review, 577 files were not available because the applications were either not located, incomplete, or pending an INS action. However, at the outset of our work, INS headquarters officials informed us that they might not be able to locate a number of the case files in our sample. In anticipation of this, we increased our sample size by 25 percent.

That we were unable to obtain 29 percent of the files requested raises some degree of uncertainty about the representativeness of our sample. However, when we analyzed the missing data by reason for unavailability, we found few significant differences between the proportions of approved and denied applications. Additionally, INS headquarters officials told us that file unavailability was a generalized problem and should not bias our results. Therefore, while we cannot state unequivocally that the 1,450 files we reviewed are completely representative of the universe of 32,426 asylum applications, we could discern no reason to suspect that the unavailable files significantly impacted the representativeness of our sample.

In reviewing the 1,450 files provided to us, we used a data collection instrument to collect demographic, immigration and persecution information. In extracting data from each application, we exercised judgment in some cases to categorize the basis of each asylum request according to the five categories set forth in the Refugee Act (persecution feared on account of race, religion, nationality, political opinion, or membership in a social group), and another category of internal civil or military strife.

The information was collected and compiled into a computerized data base and weighted. We then analyzed the information and projected to the universe of 32,426 asylum applications. The following table presents the number of applications by country, in the universe and in our study.

Table II.1  
GAO Study Sample and Final Universe Sizes

| <u>Country</u>   | <u>GAO study sample</u>   |   | <u>No. of applica-<br/>tions in<br/>universe</u> |
|------------------|---|---|--|
|                  | <u>No. of applica-<br/>tions with<br/>favorable<br/>advisory<br/>opinions</u> | <u>No. of applica-<br/>tions with<br/>unfavorable<br/>advisory<br/>opinions</u> |  |
| El Salvador      | 126   | 256   | 11,004   |
| Nicaragua        | 125   | 256   | 6,355  |
| Iran             | 164   | 147   | 6,552  |
| Poland           | 154   | 145   | 1,256  |
| Other            | 15  | 62  | 7,259  |
| <u>Worldwide</u> | <u>584</u>  | <u>866</u>  | <u>32,426</u>                                    |

We also 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, follow in tables II.2 to II.9.



Table II.2

**Asylum Applications with a CY 1984 Department of State  
Advisory Opinion and Their Projected Disposition  
(with associated sampling errors at the 95 percent confidence level)**

| Country                | Asylum Applications<br>[With Advisory Opinion] |         | DOJ Approved<br>Applications |         | DOJ Denied<br>Applications |         | Approval<br>Rate b/ | Other<br>Applications a/ |         |
|------------------------|--|---------|------------------------------|---------|----------------------------|---------|---------------------|--------------------------|---------|
|                        | Number   | Percent | Number                       | Percent | Number                     | Percent |                     | Number                   | Percent |
| El Salvador            | 11,004   | 34      | 172                          | 3       | 8,365                      | 40      | 2%                  | 2,487                    | 53      |
| Lower Limit            | ✓  | ✓       | 90                           | 1       | 7,810                      | 37      | 1%                  | 1,915                    | 38      |
| Upper Limit            | ✓  | ✓       | 255                          | 4       | 8,920                      | 43      | 3%                  | 3,019                    | 69      |
| Nicaragua              | 6,355  | 20      | 399                          | 6       | 5,885                      | 27      | 7%                  | 292                      | 6       |
| Lower Limit            | ✓  | ✓       | 333                          | 5       | 5,502                      | 25      | 5%                  | 141                      | 3       |
| Upper Limit            | ✓  | ✓       | 485                          | 7       | 5,829                      | 28      | 8%                  | 443                      | 10      |
| Poland                 | 1,258  | 4       | 597                          | 9       | 631                        | 3       | 49%                 | 28                       | 1       |
| Lower Limit            | ✓  | ✓       | 556                          | 8       | 591                        | 3       | 45%                 | 10                       | d/ 0    |
| Upper Limit            | ✓  | ✓       | 637                          | 10      | 671                        | 3       | 52%                 | 46                       | 1       |
| Iran                   | 6,552  | 20      | 4,058                        | 60      | 2,125                      | 10      | 66%                 | 369                      | 8       |
| Lower Limit            | ✓  | ✓       | 3,809                        | 54      | 1,869                      | 9       | 61%                 | 220                      | 4       |
| Upper Limit            | ✓  | ✓       | 4,306                        | 66      | 2,381                      | 11      | 70%                 | 519                      | 12      |
| Subtotal               | 25,187   | 78      | 5,228                        | 77      | 18,788                     | 80      | 24%                 | 3,158                    | 68      |
| Lower Limit            | ✓  | ✓       | 4,852                        | 70      | 16,153                     | 75      | 22%                 | 2,585                    | 50      |
| Upper Limit            | ✓  | ✓       | 5,499                        | 85      | 17,421                     | 85      | 25%                 | 3,748                    | 86      |
| All Other<br>Countries | 7,259  | 22      | 1,523                        | 23      | 4,246                      | 20      | 26%                 | 1,490                    | 32      |
| Lower Limit            | ✓  | ✓       | 1,080                        | 16      | 3,513                      | 17      | 18%                 | 832                      | 17      |
| Upper Limit            | ✓  | ✓       | 1,965                        | 29      | 4,979                      | 24      | 34%                 | 2,149                    | 48      |
| Worldwide<br>Total     | 32,428   | 100     | 6,749                        | 100     | 21,032                     | 100     | 24%                 | 4,646                    | 100     |
| Lower Limit            | ✓  | ✓       | 6,228                        | 89      | 20,083                     | 93      | 22%                 | 3,761                    | 73      |
| Upper Limit            | ✓  | ✓       | 7,289                        | 100     | 22,002                     | 100     | 26%                 | 5,532                    | 100     |

a/ Represents applications for which no decision has been made as of February 1, 1986 for applications filed with INS and April 30, 1986 for applications filed with EOIR. Also includes application for which disposition could not be determined.

b/ Approval rate is calculated from the total of DOJ approved and denied applications.

c/ No sampling error was calculated because the above number was an actual count derived by fully enumerating the universe.

d/ .5 And under rounded to 0.

Table II.3

Applicants' Immigration Status at Entry into the United States  
 (Projected, with associated sampling errors, at the 95 percent confidence level <sup>a/</sup>)

| Applicant's<br>Immigration<br>Status <sup>b/</sup> | El Salvador |         |                |               | Nicaragua |         |                |               | Poland |         |                |               | Iran   |         |                |               | Worldwide |         |                |               |     |    |
|--|-------------|---------|----------------|---------------|-----------|---------|----------------|---------------|--------|---------|----------------|---------------|--------|---------|----------------|---------------|-----------|---------|----------------|---------------|-----|----|
|  | Number      | Percent | Number Decided | Approval Rate | Number    | Percent | Number Decided | Approval Rate | Number | Percent | Number Decided | Approval Rate | Number | Percent | Number Decided | Approval Rate | Number    | Percent | Number Decided | Approval Rate |     |    |
| Visitor Visa                                       | 1,075       | 10      | 1,033          | 13%           | 3,863     | 61      | 3,767          | 8%            | 1,076  | 85      | 1,085          | 48%           | 2,917  | 44      | 2,792          | 64%           | 12,843    | 38      | 12,138         | 38%           |     |    |
| Lower Limit  | 688         | 6       | 663            | 4%            | 3,512     | 55      | 3,414          | 7%            | 1,034  | 82      | 1,021          | 38%           | 2,554  | 38      | 2,391          | 48%           | 11,812    | 38      | 11,105         | 28%           |     |    |
| Upper Limit  | 1,452       | 13      | 1,402          | 23%           | 4,215     | 68      | 4,121          | 11%           | 1,118  | 88      | 1,107          | 48%           | 3,279  | 50      | 3,112          | 78%           | 13,874    | 48      | 13,168         | 38%           |     |    |
| Student Visa                                       | 131         | 1       | 130            | 2%            | 196       | 3       | 196            | 5%            | 31     | 3       | ✓              | ✓             | 2,826  | 43      | 2,887          | 67%           | 3,801     | 12      | 3,558          | 64%           |     |    |
| Lower Limit  | 3           | ✓       | 0              | ✓             | 71        | 1       | 71             | ✓             | 13     | 1       | 10             | 5%            | 2,485  | 38      | 2,327          | 52%           | 3,188     | 10      | 2,987          | 43%           |     |    |
| Upper Limit  | 272         | 2       | 272            | 5%            | 320       | 5       | 320            | 11%           | 48     | 4       | 44             | 100%          | 3,188  | 48      | 3,048          | 82%           | 4,482     | 14      | 4,128          | 72%           |     |    |
| Entered Without<br>Inspection <sup>c/</sup>        | 9,328       | 85      | 7,033          | ✓             | 2,142     | 34      | 1,948          | 1%            | 39     | 3       | ✓              | ✓             | 232    | 4       | ✓              | ✓             | 13,330    | 41      | 10,325         | 2%            |     |    |
| Lower Limit  | 8,865       | 81      | 6,402          | ✓             | 1,798     | 28      | 1,614          | ✓             | 17     | 1       | 14             | ✓             | 103    | 2       | 80             | ✓             | 12,438    | 38      | 8,391          | 1%            |     |    |
| Upper Limit  | 9,792       | 88      | 7,663          | ✓             | 2,484     | 38      | 2,284          | 1%            | 62     | 5       | 56             | 78%           | 361    | 6       | 341            | 100%          | 14,227    | 44      | 11,258         | 3%            |     |    |
| Excludes <sup>d/</sup>                             | 127         | 1       | 127            | 0%            | 26        | ✓       | 0%             | 26            | 12%    | 0       | 0              | 0             | ✓      | 51      | 1              | ✓             | ✓         | 294     | 1              | 294           | 14% |    |
| Lower Limit  | 3           | ✓       | 0              | ✓             | 1         | ✓       | 0%             | 1             | ✓      | ✓       | ✓              | ✓             | 2      | ✓       | 0              | 2             | ✓         | 41      | ✓              | 41            | ✓   |    |
| Upper Limit  | 269         | 2       | 270            | ✓             | 71        | 1       | 71             | 41%           | ✓      | ✓       | ✓              | ✓             | 119    | 2       | 119            | 100%          | 388       | 1       | 388            | 48%           |     |    |
| Other <sup>e/</sup>                                | 257         | 2       | 128            | 1%            | 82        | 1       | ✓              | ✓             | 108    | 8       | ✓              | ✓             | 484    | 8       | ✓              | ✓             | 2,078     | 8       | ✓              | ✓             |     |    |
| Lower Limit  | 58          | 1       | 3              | ✓             | 17        | ✓       | 0%             | 14            | 1%     | 73      | 6              | 48%           | 287    | 5       | 289            | 30%           | 1,414     | 4       | 886            | 2%            |     |    |
| Upper Limit  | 456         | 4       | 269            | 2%            | 147       | 2       | 144            | 58%           | 138    | 11      | 130            | 100%          | 882    | 11      | 654            | 100%          | 2,744     | 8       | 1,888          | 8%            |     |    |
| Missing Data                                       | 86          | 1       | 86             | 1%            | 47        | 1       | 47             | 0%            | 4      | ✓       | 0              | 4             | 100%   | 32      | ✓              | 0             | 16        | 0%      | 188            | 1             | 182 | 3% |
| Lower Limit  | 1           | ✓       | 0              | ✓             | 2         | ✓       | 0%             | 2             | ✓      | 1       | ✓              | 1             | ✓      | 2       | ✓              | 0             | 1         | ✓       | 30             | ✓             | 17  | ✓  |
| Upper Limit  | 202         | 2       | 202            | 3%            | 108       | 2       | 108            | ✓             | 10     | 1       | 10             | ✓             | 78     | 1       | 47             | ✓             | 308       | 1       | 288            | 8%            |     |    |
| Total  | 11,004      | 100     | 8,537          | 2%            | 6,356     | 100     | 6,084          | 7%            | 1,256  | 100     | 1,228          | 48%           | 6,552  | 100     | 6,182          | 88%           | 32,428    | 100     | 27,778         | 24%           |     |    |
| Lower Limit  | ✓           | ✓       | 7,986          | 1%            | ✓         | ✓       | 5,912          | 5%            | ✓      | ✓       | 1,210          | 45%           | ✓      | ✓       | 6,034          | 81%           | ✓         | ✓       | 26,886         | 22%           |     |    |
| Upper Limit  | ✓           | ✓       | 9,089          | 3%            | ✓         | ✓       | 6,215          | 8%            | ✓      | ✓       | 1,246          | 52%           | ✓      | ✓       | 6,332          | 70%           | ✓         | ✓       | 28,886         | 28%           |     |    |

<sup>a/</sup> Based on a sample of applications with a CY 1984 advisory opinion.

<sup>b/</sup> Represents individual filing the application. Does not represent any family members who may be included on the application.

<sup>c/</sup> Represents applicants who entered the country illegally by avoiding inspection by a U.S. immigration official at a U.S. port of entry or land border.

<sup>d/</sup> Represents applicants who were apprehended at a U.S. land border or port of entry and are awaiting exclusion hearings.

Excludes may include stowaways, aliens attempting to enter with false documents or criminals.

<sup>e/</sup> Represents applicants who entered the United States on other nonimmigrant visas [such as temporary workers or exchange visitors], crewmen, parolees and others whose immigration status could not be determined.

✓ .5 And under rounded to 0.

g/ There were no cases in this category for calculating a rate.

h/ 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.

✓ No sampling error was calculated because the above number was an actual count derived by fully enumerating the universe.

✓ Estimate not reported in cases where the difference between the upper and lower confidence limits is equal to or greater than 48%.

Table II.4

Asylum Applications Filed at INS and EOIR  
 [Projected, with associated sampling errors, at the 95 percent confidence level a/]

| DOJ Agency                      | El Salvador |         |                |                  | Nicaragua |         |                |                  | Poland |         |                |                  | Iran   |         |                |                  | Worldwide |         |                |                  |
|---------------------------------|-------------|---------|----------------|------------------|-----------|---------|----------------|------------------|--------|---------|----------------|------------------|--------|---------|----------------|------------------|-----------|---------|----------------|------------------|
|                                 | Number      | Percent | Number Decided | Approval Rate b/ | Number    | Percent | Number Decided | Approval Rate b/ | Number | Percent | Number Decided | Approval Rate b/ | Number | Percent | Number Decided | Approval Rate b/ | Number    | Percent | Number Decided | Approval Rate b/ |
| INS District Office             | 7,189       | 85      | 7,042          | 2%               | 5,911     | 93      | 5,735          | 7%               | 1,192  | 95      | 1,177          | 50%              | 5,882  | 90      | 5,701          | 69%              | 24,855    | 77      | 23,859         | 27%              |
| Lower Limit                     | 6,540       | 59      | 6,408          | 1%               | 5,723     | 90      | 5,519          | 6%               | 1,164  | 93      | 1,146          | 47%              | 5,673  | 87      | 5,472          | 64%              | 23,824    | 73      | 22,806         | 25%              |
| Upper Limit                     | 7,799       | 71      | 7,676          | 4%               | 6,098     | 96      | 5,951          | 7%               | 1,221  | 97      | 1,208          | 54%              | 6,092  | 93      | 5,831          | 74%              | 25,886    | 80      | 24,916         | 28%              |
| EOIR                            | 2,981       | 27      | 853            | d/ 0%            | 163       | 3       | 70             | 0%               | 26     | 2       | g/             | g/               | 388    | 6       | g/             | g/               | 5,148     | 16      | 1,833          | 6%               |
| Lower Limit                     | 2,383       | 22      | 500            | d/ 0%            | 46        | 1       | 3              | e/               | 8      | 1       | 0              | d/ 0%            | 224    | 3       | 72             | d/ 0%            | 4,233     | 13      | 1,212          | d/ 0%            |
| Upper Limit                     | 3,568       | 32      | 1,207          | 1%               | 279       | 4       | 147            | a/               | 45     | 4       | 26             | 84%              | 555    | 8       | 330            | 100%             | 6,065     | 19      | 2,453          | 12%              |
| INS District Office and EOIR c/ | 854         | 8       | 642            | 1%               | 282       | 4       | 259            | 9%               | 38     | 3       | 38             | 0%               | 281    | 4       | 280            | 9%               | 2,422     | 7       | 2,088          | 11%              |
| Lower Limit                     | 501         | 5       | 333            | d/ 0%            | 131       | 2       | 114            | d/ 0%            | 15     | 1       | 15             | a/               | 142    | 2       | 142            | d/ 0%            | 1,728     | 5       | 1,437          | d/ 0%            |
| Upper Limit                     | 1,208       | 11      | 952            | 1%               | 433       | 7       | 404            | 27%              | 60     | 5       | 60             | a/               | 419    | 6       | 419            | 27%              | 3,116     | 10      | 2,737          | 23%              |
| Total                           | 11,004      | 100     | 8,537          | 2%               | 6,356     | 100     | 6,064          | 7%               | 1,256  | 100     | 1,228          | 48%              | 6,552  | 100     | 6,183          | 66%              | 32,426    | 100     | 27,778         | 24%              |
| Lower Limit                     | f/          | f/      | 7,988          | 1%               | f/        | f/      | 5,912          | 5%               | f/     | f/      | 1,210          | 45%              | f/     | f/      | 6,034          | 61%              | f/        | f/      | 26,895         | 22%              |
| Upper Limit                     | f/          | f/      | 9,089          | 3%               | f/        | f/      | 6,215          | 8%               | f/     | f/      | 1,246          | 52%              | f/     | f/      | 6,332          | 70%              | f/        | f/      | 28,666         | 28%              |

a/ Based on a sample of applications with a CY 1984 advisory opinion.

b/ DOJ had not reached a decision on all applications. Approval rates were calculated from applications with a decision.

c/ Applications initially filed with INS district office and denied. Applicant subsequently renewed application with EOIR during deportation hearings.

d/ .5 And under rounded to zero.

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/ No sampling error was calculated because the above number was an actual count derived by fully enumerating the universe.

g/ Estimate not reported in cases where the difference between the upper and lower confidence limits is equal to or greater than 48%.

Table II.5  
 Basis for Asylum Applications  
 [Projected, with associated sampling errors, at the 95 percent confidence level  $\alpha$ ]

| Basis<br>For Asylum<br>Applications b/ | El Salvador |         |         |                     | Nicaragua |         |         |                     | Poland |         |         |                     | Iran   |         |         |                     | Worldwide |         |         |                     |
|--|-------------|---------|---------|---------------------|-----------|---------|---------|---------------------|--------|---------|---------|---------------------|--------|---------|---------|---------------------|-----------|---------|---------|---------------------|
|  | Number      | Percent | Decided | Approval<br>Rate c/ | Number    | Percent | Decided | Approval<br>Rate c/ | Number | Percent | Decided | Approval<br>Rate c/ | Number | Percent | Decided | Approval<br>Rate c/ | Number    | Percent | Decided | Approval<br>Rate c/ |
| Political                              |             |         |         |                     |           |         |         |                     |        |         |         |                     |        |         |         |                     |           |         |         |                     |
| Opinion                                | 3,782       | 34      | 3,059   | 33%                 | 5,567     | 88      | 5,302   | 73%                 | 1,119  | 88      | 1,096   | 51%                 | 2,125  | 32      | 1,837   | 37%                 | 18,958    | 58      | 14,362  | 18%                 |
| Lower Limit                            | 3,158       | 29      | 2,471   | 25%                 | 5,328     | 84      | 5,033   | 53%                 | 1,078  | 86      | 1,052   | 47%                 | 1,832  | 28      | 1,844   | 24%                 | 15,281    | 47      | 13,281  | 14%                 |
| Upper Limit                            | 4,406       | 40      | 3,646   | 35%                 | 5,804     | 91      | 5,569   | 85%                 | 1,159  | 92      | 1,137   | 56%                 | 2,418  | 37      | 2,230   | 50%                 | 17,436    | 54      | 15,433  | 21%                 |
| Religion                               | 85          | 1       | 0       | 0%                  | 73        | 1       | 73      | 45%                 | 36     | 3       | 36      | 11%                 | 3,848  | 59      | 3,717   | 87%                 | 4,758     | 15      | 4,443   | 82%                 |
| Lower Limit                            | 2           | 0       | 0       | 0%                  | 4         | 0       | 4       | 0%                  | 14     | 1       | 14      | 0%                  | 3,560  | 54      | 3,418   | 78%                 | 4,178     | 13      | 3,804   | 88%                 |
| Upper Limit                            | 201         | 2       | 0       | 0%                  | 150       | 2       | 150     | 13%                 | 57     | 5       | 57      | 28%                 | 4,148  | 63      | 4,016   | 87%                 | 5,340     | 18      | 4,982   | 83%                 |
| Race                                   | 0           | 0       | 0       | 0%                  | 0         | 0       | 0       | 0%                  | 0      | 0       | 0       | 0%                  | 0      | 0       | 0       | 0%                  | 73        | 0       | 0       | 0%                  |
| Lower Limit                            | 0           | 0       | 0       | 0%                  | 0         | 0       | 0       | 0%                  | 0      | 0       | 0       | 0%                  | 0      | 0       | 0       | 0%                  | 1         | 0       | 0       | 0%                  |
| Upper Limit                            | 0           | 0       | 0       | 0%                  | 0         | 0       | 0       | 0%                  | 0      | 0       | 0       | 0%                  | 0      | 0       | 0       | 0%                  | 216       | 1       | 216     | 100%                |
| Nationality                            | 0           | 0       | 0       | 0%                  | 0         | 0       | 0       | 0%                  | 0      | 0       | 0       | 0%                  | 16     | 0       | 16      | 0%                  | 314       | 1       | 314     | 0%                  |
| Lower Limit                            | 0           | 0       | 0       | 0%                  | 0         | 0       | 0       | 0%                  | 0      | 0       | 0       | 0%                  | 1      | 0       | 1       | 0%                  | 4         | 0       | 4       | 0%                  |
| Upper Limit                            | 0           | 0       | 0       | 0%                  | 0         | 0       | 0       | 0%                  | 0      | 0       | 0       | 0%                  | 47     | 1       | 47      | 0%                  | 646       | 2       | 646     | 0%                  |
| Membership in<br>Social Group          | 52          | 0       | 0       | 0%                  | 6         | 0       | 0       | 0%                  | 0      | 0       | 0       | 0%                  | 58     | 1       | 0       | 0%                  | 117       | 0       | 0       | 0%                  |
| Lower Limit                            | 10          | 0       | 0       | 0%                  | 2         | 0       | 0       | 0%                  | 0      | 0       | 0       | 0%                  | 3      | 0       | 0       | 0%                  | 12        | 0       | 12      | 0%                  |
| Upper Limit                            | 135         | 1       | 135     | 45%                 | 14        | 0       | 14      | 100%                | 0      | 0       | 0       | 0%                  | 123    | 2       | 123     | 100%                | 222       | 1       | 222     | 0%                  |

|                |        |      |       |       |       |      |       |       |       |      |       |     |       |      |       |       |        |      |        |       |
|----------------|--------|------|-------|-------|-------|------|-------|-------|-------|------|-------|-----|-------|------|-------|-------|--------|------|--------|-------|
| Multiple       |        |      |       |       |       |      |       |       |       |      |       |     |       |      |       |       |        |      |        |       |
| Reasons d/     | 54     | 1    | ✓     | ✓     | 136   | 2    | 135   | 14%   | 79    | 6    | ✓     | ✓   | 125   | 2    | ✓     | ✓     | 1,334  | 4    | 1,134  | 28%   |
| Lower Limit    | 11     | f/ 0 | 10    | f/ 0% | 36    | 1    | 36    | f/ 0% | 48    | 4    | 48    | 14% | 26    | f/ 0 | 26    | f/ 0% | 758    | 2    | 613    | 8%    |
| Upper Limit    | 136    | 1    | 135   | 48%   | 235   | 4    | 235   | 28%   | 110   | 9    | 110   | 78% | 224   | 3    | 224   | 100%  | 1,810  | 6    | 1,858  | 48%   |
| Civil/military |        |      |       |       |       |      |       |       |       |      |       |     |       |      |       |       |        |      |        |       |
| Strife a/      | 6,626  | 60   | 5,011 | 0%    | 279   | 4    | 256   | 0%    | 9     | 1    | 9     | 0%  | 33    | 1    | 16    | 0%    | 7,643  | 24   | 5,788  | 0%    |
| Lower Limit    | 5,863  | 54   | 4,354 | ✓     | 128   | 2    | 111   | ✓     | 2     | f/ 0 | 2     | ✓   | 2     | f/ 0 | 1     | ✓     | 6,821  | 21   | 4,888  | ✓     |
| Upper Limit    | 7,289  | 66   | 5,668 | ✓     | 430   | 7    | 401   | ✓     | 21    | 2    | 21    | ✓   | 78    | 1    | 47    | ✓     | 8,464  | 28   | 6,582  | ✓     |
| Other          | 233    | 2    | ✓     | ✓     | 272   | 4    | 269   | 5%    | 5     | f/ 0 | 5     | 0%  | 346   | 5    | 313   | 0%    | 1,328  | 4    | 1,191  | 16%   |
| Lower Limit    | 51     | f/ 0 | 51    | f/ 0% | 127   | 2    | 123   | f/ 0% | 1     | f/ 0 | 1     | ✓   | 188   | 3    | 189   | f/ 0  | 837    | 3    | 738    | f/ 0% |
| Upper Limit    | 416    | 4    | 416   | 68%   | 417   | 7    | 414   | 8%    | 13    | 1    | 13    | ✓   | 495   | 8    | 457   | 24%   | 1,818  | 7    | 1,843  | 30%   |
| Missing Data   | 172    | 2    | 129   | 2%    | 23    | 1    | 23    | 0%    | 8     | 1    | 5     | 0%  | 0     | 0    | 0     | g/    | 502    | 2    | 356    | 1%    |
| Lower Limit    | 9      | f/ 0 | 5     | f/ 0% | 1     | f/ 0 | 1     | ✓     | 2     | f/ 0 | 1     | ✓   | ✓     | ✓    | ✓     | g/    | 131    | f/ 0 | 46     | f/ 0% |
| Upper Limit    | 335    | 3    | 271   | 4%    | 68    | 1    | 68    | ✓     | 19    | 1    | 13    | ✓   | ✓     | ✓    | ✓     | g/    | 873    | 3    | 884    | 1%    |
| Total          | 11,004 | 100  | 8,537 | 2%    | 6,356 | 100  | 6,064 | 7%    | 1,256 | 100  | 1,229 | 48% | 8,552 | 100  | 6,182 | 66%   | 32,428 | 100  | 27,778 | 24%   |
| Lower Limit    | ✓      | ✓    | 7,986 | 1%    | ✓     | ✓    | 5,912 | 5%    | ✓     | ✓    | 1,210 | 45% | ✓     | ✓    | 6,034 | 51%   | ✓      | ✓    | 26,885 | 22%   |
| Upper Limit    | ✓      | ✓    | 9,088 | 3%    | ✓     | ✓    | 6,215 | 8%    | ✓     | ✓    | 1,246 | 52% | ✓     | ✓    | 6,332 | 70%   | ✓      | ✓    | 28,688 | 28%   |

- a/ Based on a sample of applications with a CY 1984 advisory opinion.
- b/ GAO reviewed each alien file and determined the basis of each application using categories established by the Refugee Act of 1980, and another category of "civil or military strife" which is not recognized as a basis for asylum under the Act.
- c/ DOJ had not reached a decision on all applications. Approval rates were calculated from applications with a decision.
- d/ Applications which cited more than one basis for asylum, using the above five categories established by the Refugee Act of 1980.
- e/ Represents applications which cited general country conditions of war and violence. In certain cases, the applicant mentioned neutrality, but often failed to mention how the applicant or immediate family member would be singled out for persecution.
- f/ .5 And under rounded to zero.
- g/ There were no cases in this category for calculating a rate.
- h/ 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.
- i/ No sampling error was calculated because the above number was an actual count derived by fully enumerating the universe.
- j/ Estimate not reported in cases where the difference between the upper and lower confidence limits is equal to or greater than 48%.

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Table II.6

Comparison of INS Preliminary Decisions, Department of State Advisory Opinions, and INS Final Decisions a/  
 [Projected, with associated sampling errors, at the 95 percent confidence level b/]

| Country     | INS Preliminary Decisions |               |                    |             | State Advisory Opinions c/ |               |                        |             | INS Final Decisions |               |        |             |
|-------------|---------------------------|---------------|--------------------|-------------|----------------------------|---------------|------------------------|-------------|---------------------|---------------|--------|-------------|
|             | Recommended Approval      | Approval Rate | Recommended Denial | Denial Rate | Favorable Opinion          | Approval Rate | Unfavorable Opinion d/ | Denial Rate | Approved            | Approval Rate | Denied | Denial Rate |
| El Salvador | 784                       | 14%           | 4,782              | 86%         | 59                         | 1%            | 5,517                  | 99%         | 58                  | 1%            | 5,518  | 98%         |
| Lower Limit | 457                       | 8%            | 4,128              | 70%         | 55                         | 1%            | 4,858                  | 82%         | 54                  | 1%            | 4,860  | 82%         |
| Upper Limit | 1,131                     | 21%           | 5,436              | 100%        | 63                         | 1%            | 6,176                  | 100%        | 62                  | 1%            | 6,177  | 100%        |
| Nicaragua   | 451                       | 11%           | 3,496              | 89%         | 175                        | 4%            | 3,772                  | 95%         | 158                 | 4%            | 3,789  | 96%         |
| Lower Limit | 287                       | 7%            | 3,144              | 77%         | 122                        | 3%            | 3,428                  | 83%         | 129                 | 3%            | 3,446  | 83%         |
| Upper Limit | 616                       | 18%           | 3,849              | 100%        | 228                        | 6%            | 4,118                  | 100%        | 187                 | 5%            | 4,133  | 100%        |
| Poland      | 154                       | 25%           | 470                | 75%         | 291                        | 47%           | 333                    | 53%         | 261                 | 42%           | 363    | 58%         |
| Lower Limit | 115                       | 18%           | 411                | 63%         | 247                        | 38%           | 284                    | 44%         | 217                 | 34%           | 311    | 48%         |
| Upper Limit | 192                       | 31%           | 530                | 88%         | 335                        | 55%           | 382                    | 63%         | 305                 | 50%           | 415    | 68%         |
| Iran        | 2,823                     | 72%           | 1,084              | 28%         | 2,566                      | 66%           | 1,341                  | 34%         | 2,596               | 68%           | 1,311  | 34%         |
| Lower Limit | 2,481                     | 61%           | 851                | 21%         | 2,252                      | 56%           | 1,118                  | 28%         | 2,274               | 56%           | 1,080  | 27%         |
| Upper Limit | 3,165                     | 83%           | 1,318              | 34%         | 2,880                      | 76%           | 1,583                  | 41%         | 2,919               | 77%           | 1,542  | 40%         |
| Worldwide   | 4,641                     | 28%           | 11,866             | 72%         | 3,557                      | 22%           | 12,950                 | 78%         | 3,638               | 22%           | 12,869 | 78%         |
| Lower Limit | 4,019                     | 24%           | 10,795             | 64%         | 3,094                      | 18%           | 11,893                 | 70%         | 3,135               | 19%           | 11,815 | 70%         |
| Upper Limit | 5,261                     | 32%           | 12,940             | 80%         | 4,019                      | 25%           | 14,010                 | 87%         | 4,142               | 25%           | 13,923 | 86%         |

- a/ Excludes applications which GAO could not assign the advisory opinion to a favorable or unfavorable category and applications without an INS final decision.
- b/ Based on a sample of applications with a CY 1984 advisory opinion.
- c/ In applications where more than one 1984 advisory opinion was rendered, the latest 1984 opinion was used.
- d/ Represents opinions in which the Department of State did not find that the applicant met the definition of a refugee, or stated that the applicant could be ineligible for other reasons, such as found a safe haven in a third country or had an outstanding offer of resettlement from another country.

Table II.7

Comparison of Department of State Advisory Opinions and  
DOJ Final Decisions When No INS Preliminary Decision Was Rendered a/  
[Projected, with associated sampling errors, at the 95 percent confidence level b/]

| Country     | State Advisory Opinions c/ |                  |                            |                | DOJ Final Decisions      |                  |                        |                |
|-------------|----------------------------|------------------|----------------------------|----------------|--------------------------|------------------|------------------------|----------------|
|             | Favorable<br>Opinions      | Approval<br>Rate | Unfavorable<br>Opinions d/ | Denial<br>Rate | Approved<br>Applications | Approval<br>Rate | Denied<br>Applications | Denial<br>Rate |
| El Salvador | 111                        | 4%               | 2,720                      | 96%            | 69                       | 2%               | 2,762                  | 98%            |
| Lower Limit | 29                         | 1%               | 2,149                      | 68%            | 65                       | 2%               | 2,188                  | 69%            |
| Upper Limit | 194                        | 7%               | 3,290                      | 100%           | 73                       | 3%               | 3,335                  | 100%           |
| Nicaragua   | 207                        | 10%              | 1,820                      | 90%            | 234                      | 12%              | 1,793                  | 88%            |
| Lower Limit | 154                        | 7%               | 1,491                      | 68%            | 164                      | 8%               | 1,466                  | 67%            |
| Upper Limit | 261                        | 13%              | 2,149                      | 100%           | 303                      | 15%              | 2,121                  | 100%           |
| Poland      | 340                        | 59%              | 240                        | 41%            | 332                      | 57%              | 247                    | 43%            |
| Lower Limit | 293                        | 48%              | 192                        | 32%            | 285                      | 47%              | 199                    | 33%            |
| Upper Limit | 387                        | 69%              | 286                        | 51%            | 379                      | 68%              | 295                    | 52%            |
| Iran        | 892                        | 53%              | 796                        | 47%            | 974                      | 58%              | 715                    | 42%            |
| Lower Limit | 636                        | 35%              | 589                        | 32%            | 709                      | 39%              | 513                    | 28%            |
| Upper Limit | 1,150                      | 71%              | 1,004                      | 62%            | 1,239                    | 77%              | 917                    | 57%            |
| Worldwide   | 2,335                      | 23%              | 7,908                      | 77%            | 2,467                    | 24%              | 7,776                  | 76%            |
| Lower Limit | 1,853                      | 18%              | 6,879                      | 64%            | 1,988                    | 19%              | 6,756                  | 63%            |
| Upper Limit | 2,819                      | 28%              | 8,936                      | 90%            | 2,946                    | 29%              | 8,796                  | 89%            |

- a/ Excludes applications which SAO could not assign the advisory opinion to a favorable or unfavorable category and applications without an INS final decision.
- b/ Based on a sample of applications with a CY 1984 advisory opinion.
- c/ In applications where more than one 1984 advisory opinion was rendered, the latest 1984 opinion was used.
- d/ Represents opinions in which the Department of State did not find that the applicant met the definition of a refugee, or stated that the applicant could be ineligible for other reasons, such as found a safe haven in a third country, or has an outstanding offer of resettlement from another country.

Table II.8

Status of Asylum Applicants a/  
 [Projected, with associated sampling errors, at the 95 percent confidence level b/]

| Denied Applicants' Status                                   | El Salvador |         | Nicaragua |         | Poland |         | Iran   |         | Worldwide |         |
|---|-------------|---------|-----------|---------|--------|---------|--------|---------|-----------|---------|
|   | Number      | Percent | Number    | Percent | Number | Percent | Number | Percent | Number    | Percent |
| Denials:  |             |         |           |         |        |         |        |         |           |         |
| No INS Deportation Action                                   | 7,047       | 84      | 5,126     | 91      | 507    | 80      | 1,533  | 72      | 17,068    | 81      |
| Lower Limit   | 6,417       | 75      | 4,675     | 85      | 458    | 71      | 1,289  | 58      | 16,007    | 75      |
| Upper Limit   | 7,675       | 94      | 5,378     | 96      | 556    | 90      | 1,778  | 87      | 18,131    | 87      |
| Hearing Pending with EOIR c/                                | 807         | 10      | 189       | 3       | 23     | 4       | 265    | 12      | 1,971     | 9       |
| Lower Limit   | 482         | 5       | 65        | a/ 0    | 5      | 1       | 126    | 6       | 1,347     | 6       |
| Upper Limit   | 1,153       | 14      | 314       | 6       | 41     | 7       | 385    | 18      | 2,594     | 12      |
| Formally Deported by INS                                    | 212         | 2       | 0         | 0       | 0      | 0       | 0      | 0       | 312       | 2       |
| Lower Limit   | 30          | a/ 0    | f/        | f/      | f/     | f/      | f/     | f/      | 45        | a/ 0    |
| Upper Limit   | 385         | 5       | f/        | f/      | f/     | f/      | f/     | f/      | 578       | 3       |
| Deportation Ordered but No Evidence of Departure            | 85          | 1       | 47        | 1       | 5      | 1       | 0      | 0       | 434       | 2       |
| Lower Limit   | 2           | a/ 0    | 2         | a/ 0    | 1      | a/ 0    | f/     | f/      | 79        | a/ 0    |
| Upper Limit   | 201         | 2       | 108       | 2       | 13     | 2       | f/     | f/      | 780       | 4       |
| Evidence of Departure on Own                                | 0           | 0       | 0         | 0       | 5      | 1       | 0      | 0       | 6         | 0       |
| Lower Limit   | f/          | f/      | f/        | f/      | 1      | 1       | f/     | f/ f/   | 1         | f/      |
| Upper Limit   | f/          | f/      | f/        | f/      | 13     | 2       | f/     | f/ f/   | 13        | f/      |
| Subsequently Remained Under Other Immigration Provisions d/ | 87          | 1       | 233       | 4       | 77     | 12      | 221    | 10      | 915       | 4       |
| Lower Limit   | 4           | a/ 0    | 94        | 2       | 46     | 7       | 107    | 5       | 521       | 2       |
| Upper Limit   | 203         | 2       | 371       | 7       | 108    | 17      | 335    | 16      | 1,310     | 6       |
| Missing Data  | 127         | 2       | 70        | 1       | 14     | 2       | 116    | 6       | 327       | 2       |
| Lower Limit   | 3           | a/ 0    | 3         | a/ 0    | 3      | a/ 0    | 24     | 1       | 141       | 1       |
| Upper Limit   | 269         | 3       | 147       | 3       | 28     | 4       | 208    | 10      | 513       | 2       |
| Total Denied Applicants                                     | 8,385       | 100     | 5,665     | 100     | 631    | 100     | 2,125  | 100     | 21,032    | 100     |
| Lower Limit   | 7,610       | 93      | 5,502     | 97      | 591    | 94      | 1,869  | 88      | 20,063    | 95      |
| Upper Limit   | 8,920       | 100     | 5,828     | 100     | 671    | 100     | 2,381  | 100     | 22,002    | 100     |



| Total Asylum Applicants' Status                | El Salvador |         | Nicaragua |         | Poland |         | Iran   |         | Worldwide |         |
|--|-------------|---------|-----------|---------|--------|---------|--------|---------|-----------|---------|
|  | Number      | Percent | Number    | Percent | Number | Percent | Number | Percent | Number    | Percent |
| Denied Applicants                              | 8,385       | 78      | 5,885     | 88      | 631    | 58      | 2,125  | 32      | 21,032    | 65      |
| Lower Limit                                    | 7,818       | 71      | 5,582     | 87      | 581    | 47      | 1,888  | 29      | 20,063    | 62      |
| Upper Limit                                    | 8,928       | 81      | 5,828     | 92      | 671    | 53      | 2,381  | 36      | 22,002    | 68      |
| Approved Applicants                            | 172         | 2       | 388       | 6       | 587    | 48      | 4,058  | 62      | 6,748     | 21      |
| Remained Under Other Immigration Provisions d/ | 42          | a/ 0    | 26        | a/ 0    | 4      | a/ 0    | 138    | 2       | 888       | 2       |
| Lower Limit                                    | 1           | a/ 0    | 2         | a/ 0    | 1      | a/ 0    | 46     | 1       | 334       | 1       |
| Upper Limit                                    | 125         | 1       | 71        | 1       | 10     | 1       | 233    | 4       | 1,282     | 4       |
| No Decision Made                               | 2,128       | 19      | 188       | 3       | 17     | 1       | 181    | 3       | 3,285     | 10      |
| Lower Limit                                    | 1,885       | 15      | 48        | 1       | 4      | a/ 0    | 71     | 1       | 2,535     | 8       |
| Upper Limit                                    | 2,850       | 24      | 283       | 4       | 31     | 2       | 291    | 4       | 4,038     | 12      |
| Missing Data                                   | 287         | 3       | 88        | 2       | 7      | 1       | 48     | 1       | 552       | 2       |
| Lower Limit                                    | 82          | 1       | 11        | a/ 0    | 2      | a/ 0    | 3      | a/ 0    | 245       | 1       |
| Upper Limit                                    | 512         | 5       | 188       | 3       | 16     | 1       | 102    | 2       | 880       | 3       |
| Total  | 11,084      | 100     | 6,355     | 100     | 1,258  | 100     | 6,552  | 100     | 32,428    | 100     |
| Lower Limit                                    | g/          | g/      | g/        | g/      | g/     | g/      | g/     | g/      | g/        | g/      |
| Upper Limit                                    | g/          | g/      | g/        | g/      | g/     | g/      | g/     | g/      | g/        | g/      |

a/ Represents status of individual filing application. Does not represent any family members who may be included on the application. Status is of February 1, 1985 for applicants who filed with INS, and April 30, 1988 for applicants who filed with EOIR.

b/ Based on a sample of applications with a CY 1984 advisory opinion.

c/ Includes some applicants who were detained while awaiting their hearing.

d/ Includes applicants who qualified or petitioned to remain in the United States through non-asylum provisions, such as marriage to a U.S. citizen.

e/ .5 And under rounded to 0.

f/ 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.

g/ No sampling error was calculated because the above number was an actual count derived by fully enumerating the universe

TABLE II.9

**Selected Estimates and Associated Sampling Errors for Numbers Cited in the Report but not Appearing in Tables II.2 through II.8.**

**(Calculated at the 95 Percent Confidence Level)**

| <u>Description</u>  | <u>Estimate</u> | <u>Lower limit</u> | <u>Upper limit</u> |
|---|-----------------|--------------------|--------------------|
| Percent of denied applicants who remained in U.S. either awaiting hearings or under other immigration provisions                              | 13%             | 10%                | 17%                |
| Percent of files which did not contain any explanation of the basis for the INS decision  | 73%             | 70%                | 76%                |
| Percent of INS files which contained reasons and insights regarding the basis of the decision   | 27%             | 24%                | 30%                |
| Percent of State's advisory opinions which contained an explanation for the opinion   | 16%             | 13%                | 18%                |
| Number and percent of the applications which claimed a fear of persecution on the basis of race, nationality, or membership in a social group | 504<br>1.6%     | 129<br>0.4%        | 880<br>3%          |
| Number of individuals represented in 32,426 applications  | 64,026          | 60,592             | 67,460             |
| Number and percent of applications from aliens who applied after being apprehended and placed in exclusion or deportation proceedings         | 7,571<br>23%    | 6,539<br>20%       | 8,603<br>27%       |
| Number and percent of applications appealed to the Board of Immigration appeals   | 313<br>1%       | 13<br>0%           | 612<br>2%          |
| Percent of the applications denied by INS because the aliens did not prove their eligibility for asylum to the satisfaction of INS officials  | 91%             | 85%                | 98%                |
| Number of applications worldwide on which DOJ had not made decision or documented status  | 4,646           | 3,761              | 5,532              |

## APPENDIX II

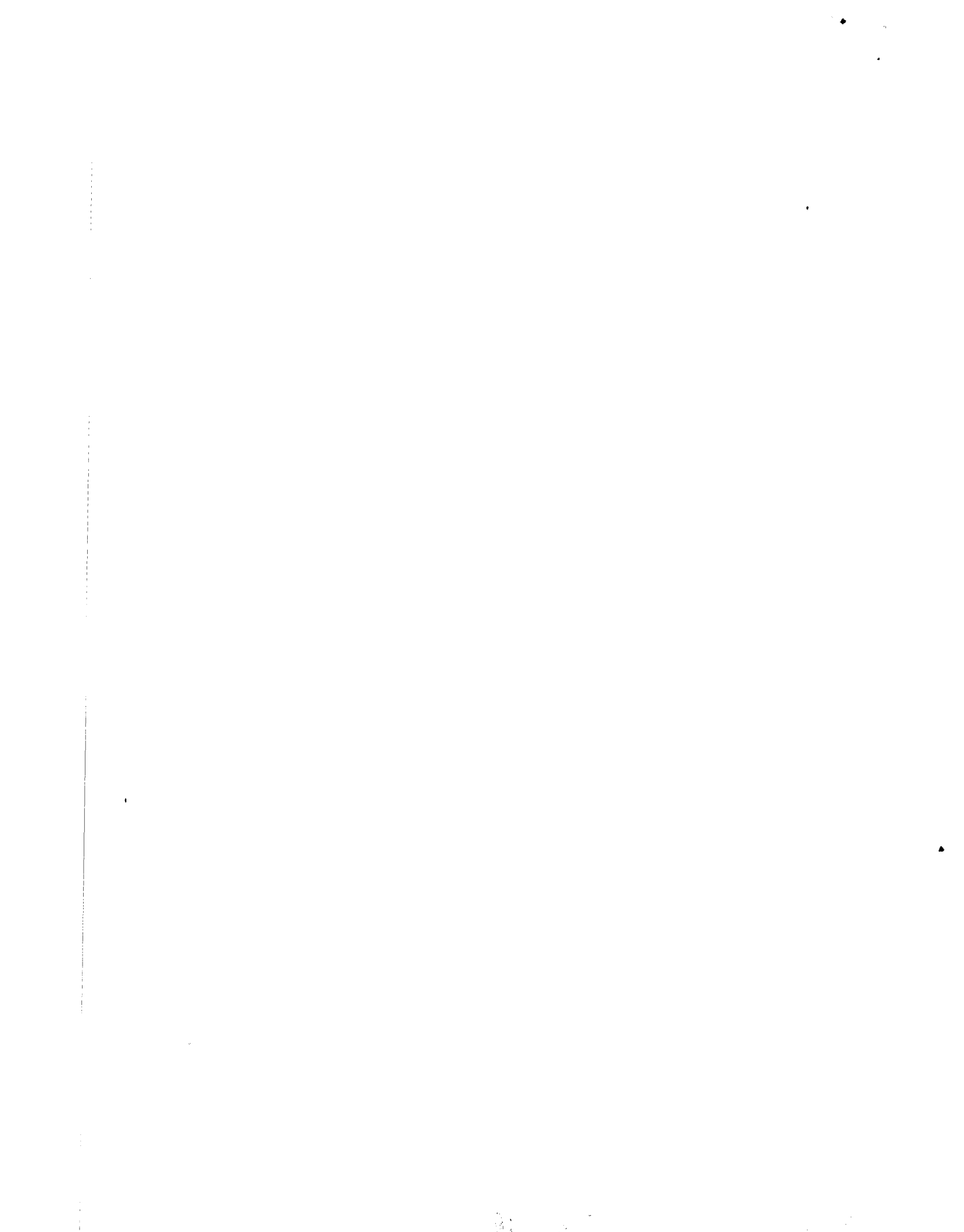
## APPENDIX II

| <u>Description</u>   | <u>Estimate</u> | <u>Lower<br/>limit</u> | <u>Upper<br/>limit</u> |
|--|-----------------|------------------------|------------------------|
| Number and percent of undecided or undocumented applications from the four study countries                     | 3,157<br>68%    | 2,565<br>50%           | 3,748<br>86%           |
| Percent of undecided applications from El Salvador   | 53%             | 38%                    | 69%                    |
| Number and percent of applications worldwide from aliens who entered either on visitor or student visas        | 16,644<br>51%   | 15,668<br>48%          | 17,619<br>54%          |
| Approval rate for applicants who entered on visitor or student visas   | 36%             | 32%                    | 40%                    |
| Percent of applicants who entered without inspection or attempted to enter illegally                           | 42%             | 39%                    | 44%                    |
| Approval rate for applicants who entered without inspection or attempted to enter illegally                    | 2%              | 1%                     | 3%                     |
| Percent of asylum applications from Iran, Poland, and Nicaragua which were filed only with a district director | 92%             | 90%                    | 94%                    |
| Percent of worldwide applications who were from Iran and claimed a fear of persecution because of religion     | 81%             | 69%                    | 93%                    |
| Percent of the applications based on persecution for religious beliefs which contained supporting documents    | 86%             | 70%                    | 100%                   |
| Percent of the Nicaraguan and Polish applications which were based on political opinion                        | 88%             | 85%                    | 91%                    |
| Percent of internal strife applications which were from El Salvador  | 87%             | 74%                    | 99%                    |

| <u>Description</u>  | <u>Estimate</u> | <u>Lower<br/>limit</u> | <u>Upper<br/>limit</u> |
|---|-----------------|------------------------|------------------------|
| Number of applicants who stated they were arrested, imprisoned, had their life threatened or were tortured          |                 |                        |                        |
| El Salvador   | 3,158           | 2,565                  | 3,750                  |
| Nicaragua   | 2,898           | 2,541                  | 3,255                  |
| Poland  | 604             | 542                    | 666                    |
| Iran  | 907             | 657                    | 1,157                  |
| Worldwide   | 9,941           | 8,886                  | 10,996                 |
| Approval rates for applicants who stated they were arrested, imprisoned, had their life threatened or were tortured |                 |                        |                        |
| El Salvador   | 3%              | 2%                     | 4%                     |
| Nicaragua   | 7%              | 5%                     | 10%                    |
| Poland  | 55%             | 46%                    | 65%                    |
| Iran  | 64%             | 35%                    | 93%                    |
| Worldwide   | 19%             | 14%                    | 24%                    |
| Number of applications that contained both a State opinion and a DOJ final decision                                 |                 |                        |                        |
| El Salvador   | 8,535           | 7,984                  | 9,087                  |
| Nicaragua   | 6,022           | 5,869                  | 6,174                  |
| Poland  | 1,203           | 1,178                  | 1,228                  |
| Iran  | 5,596           | 5,343                  | 5,850                  |
| Worldwide   | 27,025          | 26,106                 | 27,944                 |
| Percentage DOJ final decision agreed with State advisory opinion  |                 |                        |                        |
| El Salvador   | 99%             | 90%                    | 100%                   |
| Nicaragua   | 99%             | 95%                    | 100%                   |
| Poland  | 96%             | 93%                    | 100%                   |
| Iran  | 87%             | 80%                    | 94%                    |
| Worldwide   | 96%             | 91%                    | 100%                   |

| <u>Description</u>  | <u>Estimate</u> | <u>Lower<br/>limit</u> | <u>Upper<br/>limit</u> |
|---|-----------------|------------------------|------------------------|
| Number of applications in which INS preliminary decision differed from State advisory opinion       |                 |                        |                        |
| El Salvador   | 839             | 493                    | 1,184                  |
| Nicaragua   | 364             | 201                    | 528                    |
| Poland  | 175             | 135                    | 215                    |
| Iran  | 677             | 470                    | 884                    |
| Worldwide   | 2,496           | 1,915                  | 3,077                  |
| Percentage INS changed its final decision when State opinion differed from INS preliminary decision |                 |                        |                        |
| El Salvador   | 99%             | 82%                    | 100%                   |
| Nicaragua   | 98%             | 75%                    | 100%                   |
| Poland  | 83%             | 65%                    | 90%                    |
| Iran  | 79%             | 55%                    | 93%                    |
| Worldwide   | 92%             | 63%                    | 97%                    |

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