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The Influence of U.S. Foreign Policy on Asylum and Refugee Admissions to the United States

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The Influence of US Foreign Policy on Asylum and Refugee Admissions to the United States

An Honors Thesis
Presented to
The Faculty of the Department of Politics
Bates College

In partial fulfillment of the requirements for the
Degree of Bachelor of Sciences

by

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Lewiston, Maine
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Abstract

Even though the United States adopted the UN’s definition for asylum seekers and refugees as individuals facing “persecution or a well-founded fear of persecution based on race, religion, nationality, political opinion, or membership in a particular social group” (S.643 - Refugee Act of 1979) with the Refugee Act of 1980, policies intended to enforce this commitment have not been evenly implemented. This thesis examines the variations in the implementation of United States asylum and refugee policies in the post-Cold War era to determine what drives these variations. Broadly, I propose that the variation is best understood in light of the US’ foreign policy. Specifically, I expect that US national security interests, bilateral relations, and economic dependence on the countries of origin of asylum and refugee seekers play an overlooked role in how the government implements asylum and refugee policy. To evaluate this proposition, I analyze quantitative admissions data for applicants from refugee producing countries, as well as data that measure foreign relations between the US and the sending state.
Introduction

As the daughter of a Colombian immigrant who migrated to the United States, I have always had an interest in studying immigration. While studying in Istanbul, Turkey during the winter of 2015, I witnessed a vast number of Syrian and Iraqi women and children refugees begging in the crowded streets during all hours of the day and night. This was a common sighting given that the year 2014 marked the first year that Turkey was the host of the largest number of refugees in the world ("UNHCR Global Trends 2014"). At that time, I was inspired to volunteer at a non-profit organization, Caritas, which provides services to refugees in Turkey. When I returned to the United States I continued researching refugees and also asylum seekers while working at the global division of a US refugee resettlement agency, HIAS. I noticed that a central portion of the agency’s efforts was spent on ensuring that the Lautenberg amendment, which allows refugee cases for Iranian religious minorities to be adjudicated under a “reduced evidentiary standard,” was renewed (Bruno 2015, 7). After learning about the Lautenberg amendment, I questioned if the US’ contentious relationship with Iran had influenced the creation and renewal of this amendment that essentially provided Iranian religious minorities with a seemingly easier likelihood of admittance to the United States as refugees. This inspired my interest in investigating the relationship between US foreign policy and asylum and refugee policies since the United States officially defined who is a refugee in the Refugee Act of 1980.

To fully understand my research question, it is helpful to readers to understand the general principles that guide US asylum and refugee programs and policies. The definition of a refugee in the United States Refugee Act of 1980 derived from the UN’s 1951 Convention Relating to the Status of Refugees and the 1967 Protocol. Article 3 and 33 of the convention are important because they establish the principles of non-refoulement and non-discrimination.
According to the principle of non-refoulement, “refugees may not be forcibly returned to unsafe circumstances” (Article 33), and the principle of nondiscrimination (Article 3) essentially mandates that certain refugee groups cannot be discriminated against (Rosenblum and Salehyan 2004, 683). In the United States, during the 1970s prior to the Refugee Act of 1980, relief to refugees was distributed according to ad hoc legislations (INS 2003, 19). The Refugee Act of 1980\(^1\) finally implemented a “general policy regarding the admission of refugees (INS 2003, 19),” which defines a refugee and asylum seekers based on the following criteria:

**Title II-Admission of Refugees**

Sec. 201. (a) Section 101(a) of the Immigration and Nationality Act (8 USC. 1101(a)) is amended by adding after paragraph (41) the following new paragraph:

“(42) The term ‘refugee’ means (A) any person who is outside any country of such person’s nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, or (B) in such special circumstances as the President after appropriate consultation (as defined in section 207(e) of this Act) may specify, any person who is within the country of such person’s nationality or, in the case of a person having no nationality, within the country in which such person is habitually residing, and who is persecuted or who has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.”

**Asylum Procedure**

SEC. 208. (a) The Attorney General shall establish a procedure for an alien physically present in the United States or at a land border or port of entry, irrespective of such alien’s status, to apply for asylum, and the alien may be granted asylum in the discretion of the Attorney General if the Attorney General determines that such alien is a refugee within the meaning of section 101(a)(42)(A).

This definition clearly outlines five specific grounds for persecution, or a well-founded fear of persecution, that defines an individual’s eligibility for asylum or refugee status. Although the United States is party to the 1967 Protocol, and despite the adoption of the Refugee Act of

1980, certain asylum seekers and refugee applicants for the US have been accepted while others who are equally qualified have been rejected (UNHCR, States Party to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol). My thesis asks what drives this variation in the implementation of United States asylum and refugee policies?

I hypothesize that US foreign policy toward an asylum or refugee applicant’s country of origin significantly influences asylum and refugee admissions rates. The Lautenberg amendment is not the only example that substantiates my hypothesis. Some of the most well-known examples of variation in asylum and refugee policy implementation took place during the context of the Cold War under President Ronald Reagan’s administration. Research suggests that asylum and refugee policy during that time was motivated by the anti-communist ideology of the Cold War even after the passage of the seemingly humanitarian and egalitarian based Refugee Act (Rosenblum and Salehyan 2004, 680). Furthermore, under the new act, significantly more admission spaces were allocated for those from communist regions than that for those trying to escape persecution in other regions of the world (Loescher and Scanlan 1986, 189). For instance, it was significantly easier for refugees and asylum seekers from Nicaragua and Cuba to be admitted than asylum seekers from El Salvador and Guatemala during the 1980s, even though there were known human rights violations in all of these countries (Rosenblum and Salehyan 2004, 684). More specifically, in the year 1986, the quota for refugees from the Soviet Union and other communist countries in Europe was 55,000 while there were only 3,000 places allocated for refugees from Latin America (Loescher and Scanlan 1986, 215). Even more surprising, only 579 of the 3,000 places were actually filled and 577 of those refugees were Cuban (Loescher and Scanlan 1986, 215).
This discrepancy in the application of asylum and refugee policies illustrates how the United States reinforced its alliance with authoritarian regimes in Latin America and its disapproval of communist regimes in Eastern Europe through its US asylum and refugee policy implementation. Moreover, individuals from Latin America, more particularly from El Salvador and Haiti who succeeded in travelling to the US, were coerced into leaving “voluntarily” or were deported almost immediately following their arrival (Loescher and Scanlan 1986, 192). A US State Department official summarized the role of the 1980 Refugee Act in this context by stating, “the Refugee Act established a set of new procedures, but instituted no new policy . . . the refugee quota has continued to favor traditional, ideologically useful entrants” (Loescher and Scanlan 1986, 215).

In addition, even the Lautenberg amendment, is subject to uneven implementation. For example, Christians from Iran and the former Soviet Union receive refugee eligibility through the Lautenberg Amendment but the US is hesitant to accept Christian Syrians, and Syrians more generally, that are fleeing extreme violence that fit the standard of persecution outlined in the 1980 Refugee Act (Bruno 2015). Also, the United States has resettled significantly more Iraqi refugees than Syrian refugees despite rampant violence in both countries (“Iraqi Refugee Processing Fact Sheet,” USCIS). In 2014, the US accepted 83% of Chinese defensive asylum seekers in contrast to only 1.4% of Mexican defensive asylum claims that were granted even though there was notable persecution in both cases that satisfy the asylum and refugee definitions addressed earlier (Asylum Statistics FY 2010-2014).

To evaluate the hypothesis that that US foreign relations toward an asylum or refugee applicant’s country of origin influences asylum and refugee admissions rates, I gather and analyze an original large-n dataset of US refugee and asylum admission rates by country of
origin between 1997-2003 using OLS regression. Only limited support for my expectations was significant, however results indicated that the religious minority of a particular country unduly influences admission rates for that country. This effect of religion on admissions rates seems to reflect American core values which undoubtedly influence admissions outcomes since those admitted are reflective of the US’ religious demography. Results also reflected that a commitment to international institutions influences admissions rates more than I expected. Although I assume that there has been variation in the implementation in asylum and refugee policy, I find that this variation corresponds to the human rights conditions of a country and overall international standards.

Thesis Organization

Following this introduction, this thesis is separated into four chapters. The first chapter includes a discussion of literature related to foreign policy and US immigration policies and concludes with how the literature review guides me to my hypotheses for this research. I describe the dependent, independent and control variables in the second chapter that I generate into an original database that are then tested in the third chapter. I conduct OLS regression analysis of a large-n database of my own design. In this third chapter I also address the extent to which the hypothesis predict the relationship between the independent variables and the percent of asylum and refugee applicants admitted to the United States. The final chapter serves as a conclusion to the thesis and addresses both limitations and opportunities to advance this research.
Chapter One: Literature Review and Hypotheses

Chapter Overview

This first chapter introduces the subject of this thesis, which is the relationship between US foreign policy and US asylum and refugee policy. A brief introduction illustrates the historical and current importance of this topic as well as relevant domestic and international law. Next, there is a review and analysis of international relations theoretical approaches that pertain to the question raised in this thesis. To conclude I draw on this literature review to propose three hypotheses.

Introduction

As discussed in the introductory chapter, the United States defines a refugee as an individual facing “persecution or a well-founded fear of persecution based on race, religion, nationality, political opinion, or membership in a particular social group” or someone that “is of special humanitarian concern to the United States” and is not present in the United States.² An asylum seeker makes the same claim as a refugee but is applying for refugee eligibility while in the United States (Helton 1990, 70). Even though the Refugee Act sets a precedent for equal access to the US’ asylum and refugee policies, asylum seekers and refugees from certain countries have been historically more likely to be granted refugee eligibility in the United States than others even when they meet the previously mentioned criteria. My thesis seeks to answer what causes the variations in the implementation of United States asylum and refugee policies since the passage of the United States Refugee Act of 1980? I intend to expand our understanding of whether US asylum and refugee policy is an extension of US foreign policy, and if so, how?

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My tentative hypothesis is that asylum and refugee policy is an extension of US foreign policy, and that US interests in the countries of origin of these asylum and refugee seekers plays an overlooked role in how asylum and refugee policy is implemented. However, I do not know which aspects of US foreign policy, such as national interests, economic concerns, or elections, have shaped US foreign policy. Therefore, I examine the variation in policy enforcement through the lens of the theories of realism, domestic politics, liberal institutionalism and constructivism. In the next pages, I first discuss international and US refugee law and its implementation. I then turn to a review of the current research on international relations theory and refugee and asylum policy. Finally, I conclude by developing three hypotheses.

**International and US Refugee and Asylum Law and Policy**

*Global Introduction to Refugees and Asylum Seekers*

The United Nations High Commission of Refugees reported that, globally, in 2014 there were 14.4 million refugees and 1.8 million asylum-seekers under its mandate. This contributed to “the highest displacement on record” ("UNHCR Global Trends 2014"). About 51 percent of refugees consist of children younger than 18 years old ("UNHCR Global Trends 2014"). The United States is the global leader in refugee resettlement and has maintained this longstanding commitment consistently ("UNHCR Chief Welcomes US Leadership over Global Crisis"). Despite this commitment, the US has only resettled slightly over half of one percent of these refugees ("Refugee Admissions” US Department of State).

Based on these numbers, it is clear that refugees and asylum resettlement is an imperative issue that involves the lives and wellbeing of millions of people of all ages. Since the United States is the leading resettlement location, it is increasingly valuable to study the country’s policies and programs to ensure that refugees and asylum seekers are admitted according to
established domestic and international standards and laws. Understanding US policies toward asylee seekers and refugees is timely and essential given that the “Refugee Program Integrity Restoration Act of 2016” has been referred to the Committee on the Judiciary. This bill would limit the number of admissible refugees to a constant number of 60,000, grant priority consideration for only religious minorities in a country, and give a state’s governor or legislature the power to deny the resettlement of refugees in their state.

Structure of US Asylum and Refugee Policies and Programs

During the time period 1997 to 2003 that is analyzed in this thesis, the Immigration Naturalizations Services (INS) was responsible for processing and deciding asylum and refugee applications. The INS was created in 1906 with the Naturalization Act, which shifted responsibility for asylum and refugee adjudication from the courts to a separate organization (INS 2003, 7). The INS was moved under the responsibility of the Department of Justice in 1940. During the 1970s prior to the Refugee Act of 1980, relief to refugees was distributed according to ad hoc legislations (INS 2003, 19). As mentioned earlier, the Refugee Act of 1980 defined the criteria for asylum and refugee status eligibility (INS 2003).

Although the US asylum and refugee policies are based on the same definitions included in the 1980 Refugee Act, different governmental bodies have managed these two programs since 1980. Furthermore, the determination of asylum applications occurs domestically whereas refugee applications are mostly handled abroad. The differences between the two programs are therefore not insignificant, and it may be easier for foreign policy interests to influence the admissions of asylum seekers over refugees.

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Asylum Program

In 2003, the Department of Homeland Security took on the responsibilities of the Immigration Naturalization Services (INS 2003). The INS considers asylum seekers as “possible refugees who are seeking entry into – and may already be in – the United States. . . many have come to the country legally, some illegally, and then applied” (INS 2003, 24). The INS must not discriminate an asylum application based on an applicant's’ country of origin “or any other criteria or standard, and without the possibility of numerical limit (with the exception of the 1,000 annual limitation on the number of individuals who may be granted asylum based on opposition to coercive family planning practices)” (INS 2003, 24). An asylum seeker’s application must be heard and accepted (INS 2003, 24).

After 2003, two bodies became primarily responsible for the US asylum program. These include the US Citizenship and Immigration Services (USCIS), which is part of the Department of Homeland Security (DHS), and the Executive Office for Immigration Review (EOIR), which is an agency within the Department of Justice. Within the asylum program there are two processes, the affirmative and defensive processes respectively. The affirmative asylum process is for individuals who are in the United States presently or at a port of entry regardless of their current immigration status. Once an individual enters the US, they have to apply for asylum within one year unless there were “changed circumstances that materially affect your eligibility for asylum or extraordinary circumstances relating to a delay in filing” (“Obtaining Asylum” 2015). The affirmative process is coordinated by the USCIS, which is where an asylum seeker sends Form I-589, which is an Application for Asylum and for Withholding Removal (“Obtaining Asylum” 2015). Once the individual submits the form, fingerprinting and
background checks are held and an interview is scheduled with an Asylum Officer (“Obtaining Asylum” 2015).

The EOIR manages the defensive asylum process and decides on cases involving immigration violations on behalf of the Attorney General (“Obtaining Asylum” 2015). The defensive process takes place when an individual is in removal proceedings in immigration court. Essentially, “a defensive application for asylum occurs when you request asylum as a defense against removal from the US” (“Obtaining Asylum” 2015). More specifically, an individual is placed in removal proceedings when they are without proper documentation or violating their immigration status either in the US or at a US port of entry (“Obtaining Asylum” 2015). In the defensive application process, an immigration judge rather than an asylum officer hears the individual’s case. The individual judge makes the ultimate decision of whether or not someone is eligible for asylum after hearing arguments from the individual and their attorney if they have one and from an attorney representing Immigration and Customs and Enforcement (“Obtaining Asylum” 2015).

Refugee Program

While under INS direction and after the INS was dissolved, refugee processing, or refugee resettlement processing, has been and continues to be distinguished from asylum processing since it is intended for individuals who are not in the United States and are “subject to government control” (INS 2003, 24). Secondly, “standards, criteria, and numerical limits” can be set for refugee processing before refugees arrive in the United States (INS 2003, 24).

The Refugee Act of 1980 established the Office of Refugee Resettlement within the Department of Health and Human Services that is responsible for assisting refugees with their resettlement process. The Department of State, Bureau of Population, Refugees, and Migration
manages the United States Refugee Admissions Program, or USRAP (PRM 2006, 1). The
USRAP coordinates to decide which refugees out of the many million “will have access to the
USRAP, thereby allowing them to seek refugee resettlement in the United States” (PRM 2006, 1). An individual applying for refugee status has to apply to be a part of one of the three priority
categories to be resettled in the United States.

First, an individual is referred to the Priority 1 category when there are “compelling
humanitarian concerns” that “cause the referring entity to single out individuals as in particular
need of this durable solution” (PRM 2006, 3). In these cases, the referring entity is the UNHCR,
a US Embassy, or a designated nongovernmental organization (NGO) (PRM 2006, 3). Referrals
for the Priority 1 category are then sent to the designated Regional Refugee Coordinator if they
are not sent from Embassies. The Regional Refugee Coordinator reviews the applications to
ensure they are complete and qualify “standard of being of special humanitarian concern to the
United States” (PRM 2006, 5).

Priority 2 cases are intended for groups that are “designated by the PRM Assistant
Secretary as eligible for resettlement processing” (PRM 2006, 6). The PRM works with the
USCIS, NGOs, UNHCR and other experts to determine what “certain nationalities, clans or
ethnic groups, sometimes in specified locations” meet criteria for resettlement (PRM 2006, 6).
The PRM assistant is then given a designation document that the consultation submits and has
the ultimate authority to finalize the Priority 2 groups (PRM 2006, 6-7). When determining an
eligible group, it is considered “whether the group is of special humanitarian concern to the
United States and whether members of the group will likely be able to present claims at
adjudication that meet the US refugee definition” (PRM 2006, 6). The annual Report to Congress
includes the specified Priority 2 groups.
Finally, the Priority 3 group includes individuals with certain nationalities that have family already in the United States. These nationalities are determined by “the Department of State, in consultation with DHS/USCIS” each fiscal year in “the Report to Congress on proposed refugee admissions” (PRM 2006, 8).

Additionally, each fiscal year, the President decides the maximum number of overall refugees from each channel that are admitted into the United States (8 USC.A. 1157 (West 2005)). In addition to determining this refugee number cap, the President also determines the countries from which individuals may be considered for resettlement in the United States. For instance, for fiscal year 2015, President Obama declared “the following persons may, if otherwise qualified, be considered refugees for the purpose of admission to the United States within their countries of nationality or habitual residence,

a. Persons in Cuba
b. Persons in Eurasia and the Baltics
c. Persons in Iraq
d. Persons in Honduras, Guatemala, and El Salvador
e. In exceptional circumstances, persons in identified by a United States Embassy in any Location (Federal Register 2014)”

Literature Review

Introduction

In light of preceding information, the variation in asylum and refugee policy implementation is puzzling. Five theories that could explain the implementation variations in US asylum and refugee policy are realism, domestic politics, constructivism and liberal institutionalism.


Realism

I address the theory of realism first. The main concepts that realist theorists emphasize include anarchy, security, and power. Foremost, it is assumed that states exist in an anarchic world (Donnelly 2000, 7; Waltz 1979). States’ interests derive from their need to ensure their own security and survival (Snyder 2004, 55). Furthermore, states are assumed to act rationally and serve as the central actors in international affairs (Keohane 1986, 164-165). In this anarchic system where states are the primary actors, national interests drive foreign policy (Mastanduno, Lake and Ikenberry 1989, 459-460).

National interests form the theoretical foundation of traditional realism (Burchill 2005, 4). Since the interaction between states is viewed as a power struggle, national interests are considered in “terms of strategic and economic capability” (Burchill 2005, 36). Additionally, typically power and security form the basis of states’ national interests (Donnelly 2000). Burchill suggests that national security is the central national interest of states according to neo-realists (Burchill 2005, 47). More specifically, security may refer to national, economic or geostrategic security, and immigration is directly tied to these different variations of security and therefore, national interests.

An example of how this theoretical perspective applied to United States immigration policies points that the admission of certain groups to the United States influences US national security interests (Snyder 2004, 55, Mastanduno, Lake and John Ikenberry 1989, 459). Even prior to the attacks of September 11th, national security played a critical role in the immigration policies of the United States. In 1996 there were reforms instituted to prevent and deter asylum seekers from coming to the US because of the “broader fear of potential terrorists gaining legal entry into the country through an overburdened asylum system” (Holmes and Keith 2010, 431).
Rosenblum and Salehyan (2004) point out that “most recently, scrutiny of immigrants and refugees—particularly those from Muslim countries in the post-9/11 period—for security reasons is another instance of interests dominating policies” (Rosenblum and Salehyan 2004, 685). In today’s world, refugees and asylum seekers are often confused with the horrors they are fleeing from, and are portrayed as threats to countries where they are applying for refugee status. This perception may stem from the idea that borders are becoming more difficult to protect given “the number of false asylum seekers, combined with high levels of illegal immigration” (Adamson 2006, 174).

Although the relationship between states according to this theory is naturally “competitive,” this does not eliminate the possibility of cooperation, especially when cooperation is aligned with fulfilling a state’s national interests (Mastanduno, Lake and Ikenberry 1989, 459). However, since realism is also based on “narrow self-interest,” humanitarian concerns are considered “cheap talk,” and this approach therefore goes against human rights focused normative approaches (Keith, Holmes and Miller 2015, 157). Thus, according to realist theory, the United States may have no interest in admitting refugees since this could influence the internal security of the country. However, in relation to the US’ migration processes more generally, the United States would more likely admit an individual from an allied country since the country does not pose an international security threat and it is in the country’s strategic interests to maintain good relations with its allies.

Another way in which admission rates affect international relations is that refugee producing countries, are almost by definition, unfit to protect their own people. Therefore, when one country accepts refugees from another, the former sends a negative signal internationally, and bilaterally, about the latter’s “basic moral worth and international standing” (FitzGerald,
Cook-Martin and Garcia 2014, 31). These policies are important foreign policy tools that give potential refugee and asylum receiving countries such as the US, power (FitzGerald, Cook-Martin and Garcia 2014).

The realist perspective suggests that since the interactions between the US and other states are driven by strategic concerns, the US can use its asylum and refugee policies as a way to further its own national interests even though the nature of asylum and refugee policy is humanitarian. For example, should the United States feel threatened by another state, it can accept a large number of refugee or asylum seekers from that state as a non-violent response to the threat. This would in turn hurt that states’ international standing since this action signals to the world that that country cannot protect its own citizens from harm.

Although the emphasis on national security is an essential component of realism, it does not fully encompass why foreign policy interests motivate a state’s asylum and refugee programs. The US is motivated to cooperate and form strategic relationships with other states when doing so fosters the US’ interests. This cooperation may also check and balance the power of other states in the international system. However, this cooperation is constrained by the US’ necessity to “guarantee its own security in a global condition of anarchy” (Mowle 2003, 561). It is also not in the interest of any state to become too dependent on another through cooperation.

On the other hand, according to realist theory, because states are concerned with the relative gains of other states, some level of dependence and cooperation between states may beneficially impede any one state from achieving a relative gain in comparison to other states (Keohane 2012, 127). Implicitly, by rejecting asylum seekers from Guatemala and accepting asylum seekers from Nicaragua, the US was cooperating with the Guatemalan government to ensure that communism would not be tolerated in the country, while weakening the international
credibility of the Nicaraguan leadership and the failures of its government (Rosenblum and Salehyan 2004, 684). Furthermore, although realism is often contrasted with liberal institutionalism, it should not be assumed that states do not cooperate through international institutions. States will cooperate in order to promote their own national interests, which includes security as I address earlier.

According to realist theory, states seek to increase their own relative power; as a result, dependence on other states, including economic dependence, creates vulnerability and decreases power for those dependent states (Copeland 1996, 10). It is not in the interest of states to be economically dependent on another state, especially for natural resources, because this generates uncertainty since “crucial imported goods could be cut off during crisis” (Copeland 1996, 10). If a state is economically dependent or interdependent on another state, that state has more to lose if bilateral relations are weakened or severed. Thus, cooperation between states is strategic and in the interest of states when they are economically dependent on others. This, combined with my discussion above concerning the negative significance of being a refugee producing country, suggests that the US would be less likely to admit refugees from a country it depends on economically. Humiliating such a country by accepting its refugees could have significant negative economic repercussions.

A weakness of realist theory is that it treats states as unitary actors. Keohane (2012) explicitly argues that realism is an insufficient theory since it excludes “domestic politics and learning” (135). The President of the United States, the Secretary State, and other governmental officials, determine foreign policy decisions rather than citizens. Although citizens vote for representatives for many of these positions, their individual opinion does not have much sway in foreign policy decisions. However, domestic considerations should not be disregarded since
citizens may unite together with external actors and even their own representatives to protest or call forth a foreign policy initiative. Next I discuss the theory of domestic politics and its role in influencing US immigration policies such as asylum and refugee programs.

**Domestic Politics**

Domestic politics refers to the role and “the characteristics of states, governmental organizations, or individual leaders” in foreign policy decisions (Walt 1998, 34). Proponents of this view argue that a critical flaw of state-centric realist arguments is that they wrongfully treat foreign policy decision makers as a united executive (Putnam 1988). Instead, they argue that the executive, legislative and judiciary branches along with civil rights organizations and part of the electorate influence the outcome of asylum and refugee policy itself, along with its implementation (Gibney 2004, 158).

Gibney (2004), for instance, argues that the Refugee Act of 1980 is intended to also serve as a way to balance the desires of the President and Congress. Each year, the president declares a number that represents the maximum amount of refugees that are admitted into the United States. However, the president must consult with Congress to determine from what regions refugees are admitted from and the amount of refugees from these areas (Gibney 2004, 152). This refugee ceiling addresses “the conflicting needs of the executive for flexibility in admission with Congress’s desire for predictability and control” (Gibney 2004, 151). Furthermore, Zucker and Zucker (1987) have argued that, in addition to the size of a refugee group and its relation to foreign policy interests, another factor that contributes to the admission outcome of a group is the anticipated domestic political reaction to that group’s possible admittance (Mitchell 1989, 688).

Scholarship that addresses the domestic politics perspective often includes analyses of how international affairs is interconnected with domestic politics (Alons 2007; Putnam 1988).
Putnam’s two-level-game theory also holds that domestic negotiators and international negotiators interact (Putnam 1988, 434). Governments must reach agreements at the international level that satisfy both their domestic and international counterparts simultaneously (Putnam 1988, 434). Haggard and Simmons’ (1987) argument is in alignment with that of Putnam since they argue that foreign policy decisions have “domestic roots and consequences” (Haggard and Simmons 1987, 516). They use the term “complex interdependence,” to illustrate their argument that “domestic political forces determine patterns of international cooperation” (Haggard and Simmons 1987, 493). Domestic interest groups are not necessarily bounded to national borders, but international coalitions may function to influence foreign policy (Haggard and Simmons 1987, 513). Haggard and Simmons (1987) conclude that as this complex interdependence expands, domestic actors will have greater “regime interests” (517).

FitzGerald, Cook-Martin and Garcia (2014) refer to the connection between international affairs and domestic politics as an “‘intermestic’ hybrid” (FitzGerald, Cook-Martin and Garcia 2014, 9). The idea is that domestic and international factors’ contributions to foreign policy are interconnected. Not only can domestic politics affect foreign policy, but foreign policy decisions can also influence the formation of domestic policies (FitzGerald, Cook-Martin and Garcia 2014, 9). Members of Congress are typically more responsive to domestic interests and opinions than the State Department and President, since the latter are primarily concerned with foreign policy issues (FitzGerald, Cook-Martin and Garcia 2014, 85). Although FitzGerald, Cook-Martin and Garcia (2014) stress that refugee law is usually within the domain of foreign policy, they also show that lobbying groups and other domestic interest groups play an important, albeit secondary, role in refugee law (85).
One of the most salient examples of these interest groups in the United States is the country’s many religious organizations. For example, during the 1980s, the “Sanctuary Movement,” garnered significant publicity to the plight of Salvadoran and Guatemalan asylum seekers whose cases were disproportionately rejected by the US government, presumably because of its foreign policy interests. These groups were ultimately able to pass legislation to help these refugees (Gzesh 2006). However, lobbying groups outside of the state may drive more foreign policy decisions than domestic lobbying groups themselves. FitzGerald, Cook-Martin and Garcia (2014) argue that “foreign policy and norms arising from the horizontal plane” are responsible for creating policy changes with “other interest groups on the vertical plane playing a secondary role” (84). According to FitzGerald, Cook-Martin and Garcia (2014), the horizontal plane refers to “struggles between and across countries” while the vertical place refers to “political struggles within a country” in this context (9). These authors focus their research on the demise of ethnic selection in US immigration policy and conclude that ethnic lobbying on the “vertical plane” is primarily successful only when it is aligned with foreign policy interests (FitzGerald, Cook-Martin and Garcia 2014, 123). Since asylum and refugee policies are a central part of the US’ immigration policy, this argument is applicable to this discussion.

Similarly, Alons (2007) claims that to predict a state’s foreign policy one must discuss both the domestic and international preferences of a state when addressing foreign policy (Alons 2007, 211). He refers to “internal polarity” to discuss the strength of domestic governmental actors and “external polarity” to address a state’s international standing and power (Alons 2007, 211). A state will prioritize their domestic or international interests based on the level of internal or external polarity (Alons 2007, 211). Since the United States is a superpower with a strong position in the international structure, it has “large room for maneuvering within the international
system” and domestic interests are weighed heavily in foreign policy decisions (Alons 2007, 212). Since the United States has high external polarity, it can consider its domestic interests when developing foreign policy decisions since other states with lower external polarity have less ability to challenge these policies. Therefore, according to this theory, US foreign policy decisions can be motivated by domestic interests and policies, such as asylum and refugee policy, since the US has high external polarity.

These theories reinforce that domestic politics must not be excluded when determining what drives foreign policy. At the very least, domestic politics has a secondary role in affecting foreign policy. Conversely, domestic politics may be the driving force of foreign policy decisions, but this often constrained by whether it is or is not against the greater state interests at the international level. Additionally, domestic politics may be influenced and motivated by constructed American values and identities. The following theory of constructivism addresses how foreign policy may be shaped by what it means to be American.

_Constructivism_

Another perspective I examine to understand the driving factors of United States foreign policy is through the preservation and formation of values and norms, better known as the theory of constructivism. Constructivists believe that other theories, such as realism, overly emphasize the ‘national interest’ of states (Snyder 2004, 60). According to the constructivist theory, the social world is not given but “is created through debate about values” and this debate forms the basis of “international life” (Zehfuss 2002, 4; Snyder 2004, 60). Constructivism addresses the evolution of norms and values rather than the “material and institutional circumstances” that generate a “consensus about new values and ideas” (Snyder 2004, 61). States are at times motivated by self-interest but this changes since states “continuously (re)define” this self-interest
Anarchy, unlike what realists argue, is not unavoidable in the international structure, but is “what states make of it” (Wendt 1992, 395). The actions of people toward actors, reflect the meaning or value people ascribe to these actors (Wendt 1992, 396). For instance, “British missiles have a different significance for the United States than [did] Soviet missiles,” illustrating how meaning varies depending on the actor and the value attributed to that actor by others. Therefore, a state treats its “friends” differently than its “enemies,” which are both constructed concepts (Wendt 1992, 397).

Wendt argues that identities create interests and these interests are situationally dependent and related to a given “social context” (Wendt 1992, 398). Like identities, institutions do not exist on their own. Rather, institutions consist of a “codified” set of “identities and interests” that are valuable once actors participate in this “collective knowledge” and understand the norms that compose institutions (Wendt 1992, 399). From the constructivist perspective, “sovereignty is an institution” and is a valuable concept only because there is a collective or “intersubjective” understanding of sovereignty (Wendt 1992, 412). Similarly, Doty (2009) argues that it is “indisputable” that immigration policy is related to state sovereignty and that people themselves “are the source of sovereignty” (Doty 2009, 9-10).

In more specific terms, the values of Americans consist of “liberal, democratic, individualistic, and egalitarian values,” according to Samuel P. Huntington (Huntington 1982, 1). Despite these values, Huntington argues that there is a lack of consistency between American ideals and institutions that are supposed to reinforce these values (Huntington 1982, 1). Furthermore, Pantoja (2006) refers to American values similarly as “humanitarianism, egalitarianism and individualism” but also suggests that these values are related to the “ethnic and racial overtones” connected to immigration (Pantoja 2006, 516, 519). Mitchell agrees that
humanitarianism along with anti-communism were core values and a part of the national ideology that affected immigration policies in the 1980s (Mitchell 1989, 698, 702).

For instance, Gibney (2004) claims the denial of Haitian refugees was “particularly odious” given what he refers to as “its whiff of racism” (Gibney 2004, 156). Zolberg furthers this argument with the concept that the nation of America was a “design” developed by the founders “into a politically integrated white republic” (Zolberg 2006). When there is a new group of individuals entering American society, including refugees, this can revitalize “old nativist sentiments” when thinking of how this group of people will affect or possibly change American society (Papademetriou and Miller 1983, 257). Additionally, Keith and Holmes (2009) argue that asylum applicants that are English speakers are more likely to have successful applications because they can more easily provide a “credible history” (239). Additionally, the authors Keith and Holmes (2009) argue that because the applicants can speak English, “they are perceived as being more able to integrate into society and more able to be self-sustaining than a non-English speaker” (Keith and Holmes 2009, 239). As a result, the United States reinforces its values and norms through its foreign policies and decision to accept certain groups over others into the United States (Papademetriou and Miller 1983, 161). Based on this theory, we would expect the United States to admit refugees that are more reflective of the racial, ethnic and perhaps even the ideological demographics of citizens in the United States. Or, we would expect that if the US were to admit refugees from a given country, refugees from nearby countries with similar characteristics to be admitted as well.

However, this theory is particularly weak at explaining how constructed norms, specifically related to ethnic discrimination, can affect foreign policy. For instance, as previously mentioned, Haitian asylum seekers were denied or even encouraged to return back to Haiti. On
the other hand, Cuban asylum seekers were accepted and received “preferential treatment” (FitzGerald, Cook-Martin and Garcia 2014, 125). Even though both of these groups were from Southern American countries, they were treated differently since Cubans were fleeing from a communist country and the Haitian asylum seekers were not (FitzGerald, Cook-Martin and Garcia 2014; 125). Given this example, it is evident that there is an ideologically based discrimination in this asylum policy rather than a racially motivated reason as to why one group was denied and another was admitted.

Even though constructivism fails to connect the construction of ethnic discrimination with foreign policy, constructivism may explain how other norms contribute to this variation in asylum and refugee policy implementation. Perhaps exceptionalism, which local to even federal actors can participate in promoting, explains how “individuals and groups are turned into an exception by the exercise of sovereign power, resulting in their exclusion from basic rights guaranteed by the law” (Doty 2009, 10). Certain levels of exceptionalism may become a norm over time once there is “focused attention on distinctions between citizens and noncitizens, which in turn legitimates the exclusion and marginalization of some and quite often entails a demonization of noncitizens” (Doty 2009, 11). This exceptionalism makes it easier for individuals and national level actors to categorize groups as belonging to either a friend or enemy category (Doty 2009, 11). Therefore, this idea of exceptionalism affects whether or not a state will perceive its foreign relations with another state as favorable or unfavorable. Similarly, yet from a much broader perspective, the following theory I discuss addresses how international institutions can develop norms that influence foreign policy interests.
**Liberal Institutionalism**

The theory of liberal institutionalism argues that institutions shape foreign policy interests and decisions. Institutions comprise international bodies, such as the United Nations and more specifically the United Nations High Commissioner for Refugees. However, the concept of institutions also more broadly includes principles and ideas. These institutions have been referred to as regimes or “examples of cooperative behavior” (Haggard and Simmons 1987, 495). Haggard and Simmons cite Krasner’s work that defines a regime as “implicit or explicit principles, norms, rules and decision-making procedures around which actors’ expectations converge in a given area of international relations” (Haggard and Simmons 1987, 493). These institutions or regimes may also be formal or informal.

According to liberal institutionalism, institutions are based on mutual interests and simultaneously constrain state action (Keohane 1989, 3). This theory is in contrast with the realist perspective since states are “beholden to no higher authority than itself,” according to realism (Mastanduno, Lake and John Ikenberry 1989, 459). Sterling-Folker (2000) emphasizes the role of “international regimes as well as the condition of interdependence” when understanding how states determine their actions, including foreign policy decisions (103). To create and maintain successful institutions, states must place mutual interests before their own national interests, and therefore interdepend on other states to meet this condition.

Keohane argues that international institutions are “multilateral” and created on the basis of “liberal principles according to the liberal institutionalist perspective” (Keohane 2012, 125). This multilateral nature of institutions encourages states to act depending on the expectations or guidelines of the institution (Stein 1993). To ensure the continual existence of the institution, states satisfy these conditions to ensure its predictability and longevity (Stein 1993). In response,
states are encouraged to cooperate with each other to maintain international institutions. Although this perspective is mostly in disagreement with the realist perspective, there are similarities with the structural realist view that “institutions depend on structures of power and interests” (Keohane 2012, 125). The theory of liberal institutionalism assumes that human beings are incentivized to create cooperative institutions to improve the social condition, which is in stark contrast to the realist theory (Keohane 2012, 127). As a result, actors are not motivated by security and power, but the improvement of general social well being.

Although institutions may encourage international cooperation, not all states are willing to be a part of these institutions or embrace these institutions. As previously mentioned, the US is party to the United Nation’s 1967 Protocol that defines the status of refugees. Liberal institutionalism suggests that the United States should conform to UN and UNHCR standards for admission. However, the US’ lack of consistent adherence to the expectations put forth by the United Nations suggests that existing institutions have not been effectively sustaining cooperation (Keohane 2012, 127).

Liberal institutionalism explains when states adhere to the expectations of an institution but fails to address why there may be variations of this adherence. Furthermore, it is not entirely convincing that states will consistently cooperate as a result of institutions, especially when this cooperation does not fulfill the interests of the state. Although liberal institutionalism suggests that mutual interests trump national interests, in reality it is more likely that state interests take precedence over international cooperation, especially when cooperation is in direct opposition to state interests. This theory is somewhat limited because it can only partially explain the implementation of foreign policy. Although the UNHCR exists, and states contribute mass sums of money to continue its existence, its capacity to help refugees is quite limited given that there
are still so many refugees left unsettled, overpopulated refugee camps, and severe instances of underfunded programs.

Institutions that are informal or norm based cannot fully explain the actions of states. For instance, if there is an institutional norm that exists where states cooperate and share the responsibility in specific tasks, such as resettling refugees, there should be evidence of countries collaborating to take this charge. However, although we do see some countries taking initiative to welcome and aid refugees and asylum seekers, other members have not been as welcoming in this way, such as countries like Hungary and many Gulf states (O’Grady 2015, Stephens 2015).

These theories present different yet also overlapping approaches to explain the variation in asylum and refugee policy enforcement. In the following section, I show why the role of national interests deriving from the theories of realism provide the best lens for evaluating whether asylum and refugee policy is an extension of the US’ foreign policy, and if so, how?

**Hypotheses**

Drawing on this literature, I advance the following hypotheses to understand the relationship between US foreign policy and the admissions percentages of asylum and refugee applicants.

**H: US foreign policy interests in a given country influences the asylum and refugee admittance rates for applicants from that country into the United States.**

I develop three hypotheses that more specifically correspond to the four independent variables I operationalize in the following chapters that holistically represent foreign policy interests. The central and general hypothesis of this thesis can be broken down based on the different and most important facets of foreign relations. Foreign interests is a multifaceted
concept that has diplomatic, economic and security dimensions. From these dimensions I develop three sub hypotheses:

\( H_1 \): The US is more likely to accept asylum and refugee applicants from countries with whom the US has no diplomatic relations with than countries with whom the U. S. does have diplomatic relations with.

\( H_2 \): The US is more likely to accept asylum and refugee applicants from countries with whom the US is less economically dependent on than countries that the US is economically dependent on.

\( H_3 \): The US is more likely to accept asylum and refugee applicants from countries that do not pose high national security threats to the United States than from countries that pose high national security threats to the United States.

Overall, it is expected that what drives the variation in implementation in US asylum and refugee policy depends on US foreign interests and the relationship between the United States and the state from which asylum seekers and refugees are applying. The national interests of the US influence foreign policy decisions, which I hypothesize in turn affects admissions percentages of asylum and refugee applicants. I explain these hypotheses in much further detail as well as how I go about testing them, in Chapter Three.

**Conclusion**

This chapter illustrates the importance of asking the question, is US asylum and refugee policy is an extension of the US’ foreign policy, and if so, how? It was evident that during the Cold War foreign policy interests determined that asylum seekers and refugees fleeing communist countries were more readily accepted than those applicants from non-communist countries or countries that have favorable governmental relations with the United States.
and refugee policy was changed with the 1980 Refugee Act in attempt for the United States to streamline its policies with those international standards put forth by the United Nations. Despite the adoption of this Act, there are recent or present cases that illustrate there is still a discrepancy in the implementation of asylum and refugee policy in the United States.

The theoretical perspectives of realism, domestic politics, constructivism and liberal institutionalism were analyzed and the way in which these theories may explain the relationship between foreign policy and US asylum and refugee policy. From this literature review, hypotheses were formed on the basis of the perspective of realism more broadly and the role of national interests on policy decision making, more specifically. I hypothesized that foreign relations between the US and other states, which has diplomatic, economic and national security dimensions, affects the admissions of asylum and refugee applicants from these states. In the next chapter, I further explain and test this hypothesis and the corresponding sub hypothesis using OLS regression analysis of a large-n study database that I constructed myself.
Chapter Two: Research Design

Introduction

This chapter explains the research design and the method of analysis for this thesis. Recall that I hypothesize that US foreign policy influences asylum and refugee admissions rates. To assess this hypothesis, I conduct OLS regression analysis of a large-n database of my own design. The goal is to compare admissions rates by the US government for refugee and asylum seekers from thirty-one different countries to the US by year. Importantly, the relationship between the US and these origin countries varies significantly, with some as top economic traders to the US and others having no trade with the US. Some countries have no diplomatic relations with the US, and some countries are considered national security threats to the US. This case variation makes this methodological approach ideal for testing my hypotheses that US asylum and refugee policy is an extension of US foreign policy.

In the following pages I begin by describing the dependent, independent and control variables I include in my model. I justify my choice to include them, explain how they are operationalized, and provide some descriptive statistics for each.

Dependent Variable

The dependent variable, admissions, represents the US’ acceptance rates for asylum seekers and refugees to the United States. More specifically, the dependent variable for this research is the percentage of asylum and refugee applications that are approved by the Immigration and Naturalization Services between 1997 to 2003 country per year. For the purposes of this research, the country of origin from which individuals apply for refugee status or asylum each year between 1997 and 2003 to the United States forms each case, and each case is considered a country-year. There are a total of 217 cases examined in this model (N=217). These
cases represent 31 countries over a period of seven years from 1997 to 2003. 15 of the 31 countries are for the US asylum process, and 16 are for the US refugee program. These thirty-one countries were chosen based on whether or not they produce asylum or refugee applicants to the US throughout 1997 to 2003. I did not consider cases after 2003, when responsibility for processing cases was shifted to the Department of Homeland Security to ensure that the measure of admissions percentages remained consistent. Furthermore, I exclude from my sample countries that, according to the Physical Integrity Rights Index and the Empowerment Rights Index, highly respect the physical and political rights of its citizens as well as their freedom of expression. Countries that respect the human rights of its citizens typically produce almost none or very few asylum or refugee applicants, and are therefore excluded from my sample.

As illustrated in Figures One through Three, there is a disparity between the mean of asylum and refugee admittance rates for these thirty-one countries during the time period 1997 to 2003. The mean admissions percentage for asylum applicants is 38.9% while it is almost twice as more likely for refugee applicants, or 75.6%. For four of the five asylum and refugee producing countries in Latin America, applicants from these countries have the lowest chance of being admitted to the United States during this time period.
Independent Variables

There are four independent variables that embody US’ foreign policy interests from 1997 to 2003. They represent, for each year, the US’ diplomatic relations between each asylum and refugee producing country, the US’ economic reliance with each asylum and refugee producing country, and the national security threat of each asylum and refugee producing country to the United States. I measure each of these independently, and also create one combined variable out of the three.

These independent variables derive from the realist approach that argues national interests fuel foreign policy decisions (Snyder 2004; Mastanduno, Lake and Ikenberry 1989). Based on the hypotheses generated from the literature review, diplomacy, economic stability and national security are considered as different dimensions of the United States’ national interests. I
develop the specifics of how each independent variable is related to the realist approach and the central hypotheses in the following discussions of the variables used in this research design.

**Diplomatic Relations**

To measure diplomatic relations between the US and the refugee and asylum seeker producing countries, I examine whether the US has formal diplomatic relations with the country. I conceptualize diplomacy as US formal relations with another country through its Foreign Service representatives, diplomatic missions, and embassy or consulate offices. Maintaining diplomatic relations with other states is a way for the United States to advance its national interests abroad, which include economic, political or security interests (Neumayer 2008, 228). Keeley refers to the Foreign Service as the “first line of defense” in safeguarding these national interests in the title of his book that includes stories of US ambassadors abroad (Keeley 2000). Hutchings and Suri (2015) argue that “diplomacy, foreign policy, and national security” should not be evaluated as separate categories but rather must all be considered when examining how states interact in the international sphere (4).

When an ambassador or officer is retracted or an embassy is closed, this is a signal that a particular country has greatly threatened or symbolically insulted the US’ national interests. Brandon Kinne draws from scholars such as Russet and Lamb (1969) as well as Barston (2006) who agree that even during times of turmoil, it is valuable to maintain ties with another country since cutting ties “runs counter to the pursuit of strategic information” (Kinne 2013, 249). I am therefore particularly concerned with the relationship between the absence of diplomatic ties, on one hand, and refugee and asylum admission rates, on the other.

I operationalize this measure as a dichotomous variable, *diplomacy1*, with a value of either 0 or 1, depending on the US diplomatic relations with the given country each year. I code the
condition where “there is a foreign service officer and a full embassy” as 1. I code the condition where the previous criteria are not met as a 0. Therefore, cases where there are no diplomatic relations at all between the US and the asylum or refugee producing country; cases where only an interest section exists; or cases in which an embassy in a neighboring country is used for communication, is all categorized under 0.

The information I use to create these coding assignments is from the US Department of State Office of the Historian. This information source has lists of chiefs of mission by country and indicates the time period there was or was not an Ambassador Extraordinary and Plenipotentiary, Chargé d’Affaires, Envoy or other types of Chiefs of Mission for each country (“Chiefs of Mission by Country”). The Office of the Historian also has a “Guide to the United States’ History of Recognition, Diplomatic, and Consular Relations by Country, since 1776” (“Countries,” Office of the Historian). From this guide I determined whether or not the US had an embassy for each country-year and whether and how the US recognized that country’s government. As the value of this variable moves from 0 to 1, I predict the percent admissions ratings for both the asylum and refugee applicants for each country-year to decrease.

Furthermore, I consider it more likely that an applicant would be admitted into the United States if their country of origin does not have strong diplomatic relations with the United States.

Economic Reliance

The second independent variable I investigate is the economic reliance the United States may have on the refugee or asylum producing country. I suspect that if the US has a large sum of exports and imports to and from a country, the less likely the US will be to admit refugees or asylum seekers from that country. This hypothesis is based on the assumption that with greater trade flows between two countries, the higher economic dependence each country has on the
other. Similarly, Idean Salehyan has used trade flows to measure “commercial ties” between the US and asylum producing states (Salehyan 2009, 56). Salehyan found that these commercial ties ultimately had a negative effect on the admittance rate of asylum seekers to the United States after the Cold War (Salehyan 2009, 56). Thus, it is not in the interest of the United States to accept asylum seekers and refugees from countries that the United States is economically reliant on because this would hurt the relationship the US has with that country.

I measure economic reliance as the flow of trade between the US and each asylum and refugee producing country for every country-year. I use the variable trade that consists of the sum of exports and imports annually from and to the United States corresponding to each country-year. This is an interval level variable. I use data from the Country and Product Trade Data provided by the United States Census Bureau. More specifically, I collect data from the Partner Country section of the data and the Country Index from the “Exports, Imports and Trade Balance by Country, Monthly totals, 1985-present” (“US Trade in Goods by Country”). I denote the case when there is not trade between the US and a country-year with a 0 in the database. The mean of this variable is 12,874.99 million of US dollars with a standard deviation of 42,604.9 million of US dollars and 217 cases.

National Security

Next I examine the role of national security on asylum and refugee admissions levels by using two different variables named armssales and registered. As previously discussed, before and after the events of September Eleventh, national security has shaped immigration policies and who is allowed to enter the United States (Snyder 2004, Mastanduno, Lake and John Ikenberry 1989). There is a perception, particularly from the realist perspective, that refugees and asylees embody threats to US security, such as terrorist threats.
First I examine US arms sales \((\text{armssales})\) to the asylum and refugee producing country. Measuring the amount of arms sales from the US to each country-year is an appropriate measurement of US foreign policy because most “governments have established controls over private arms sales, thus the arms export becomes an instrument of foreign policy for the government . . . [which] . . . means the arms exports reflect the foreign policies [of these countries] in some extent” (Chen, Ru-Lan Zhao, and Zhao 2016, 194). Furthermore, in John Sislin’s analysis of his data set that measures how the US uses its arms sales to influence its recipients, he concludes that “arms are employed as a potential instrument of influence many times” (Sislin 1994, 678). More specifically, throughout 1950-1992, Sislin’s study determined that “the United States frequently attempted to influence other countries by manipulating its arms exports” (Sislin 1994, 681). Not only does the US use its arms sales to influence other states, but more importantly, the US exports to states to fulfill its “security interests” (Perkins and Neumayer 2010, 248). More specifically, the US is must strategically decide whom to export arms to since “the very existence of the arms exports market generates a potential negative impact on the national security of the exporter countries” (Garcia-Alonso and Levine 2007, 950). Thus, US arms sales for each country-year is an effective indicator of measuring the US’ foreign policy for that country-year.

I use \textit{armssales} as an independent variable to gauge if the US government perceives the asylum seeker or refugee producing state as a national security threat to the United States. If the US were to permit arms sales to a given country, I conclude that the US does not find that state’s government threatening to the security of the United States.

I gather data from the Stockholm International Peace Research Institute (SIPRI). This research center has databases that include information on Arms embargoes, Arms Transfers,
Military Expenditures and Multilateral Peace Operations. I use data from the SIPRI Arms Transfers database to see if and the extent to which a country from which refugee and asylum seekers depart imports arms from the US each year. SIPRI states that this database “Shows all international transfers in seven categories of major conventional arms since 1950, the most comprehensive publicly available source of information on international arms transfers.” SIPRI and my database include the amount of arms sales from the United States to each country in millions.

The variable is an interval level variable with N=217. The mean is US $21.1 millions in sales with a standard deviation of US$105.8 million. Therefore, the amount of arms the US sells to a particular country is largely different across country-years. For a majority of country-years, there was 0 arms sales between the US and the given country year. Ultimately, I suspect that if the US sells arms to a given country, the more likely the US would accept asylum or refugee applicants for a country-year.

The variable *registered* is the second variable representing national security. The registered variable is a dichotomous variable where 0 represents countries that are not on the port-of-entry or domestic registration lists and 1 represents countries that are on the port-of-entry or domestic registration lists. Beginning in 2002, the Immigration and Naturalization Services (INS) required individuals from these lists to be inspected according to the National Security Entry-Exit Registration System (NSEERS) program (Jachimowicz and McKay 2003). The NSEERS program included the Port-of-Entry Registration and the Special Registration programs which together require registration for foreigners either already in the United States or traveling to the United States from twenty five different countries that were predominately Arab and Muslim (Jachimowicz and McKay 2003). Since these registration programs were not put into
place until 2002, there are many missing values since the time period under examination begins from 2003. Consequently, it is valuable to have this variable along with arms sales to measure the effect on national security on admissions since the variable registered has a majority of its values as missing. The registered variable is also a direct measurement of whether or not the United States perceives individuals from a certain country as a national threat.

The variable \textit{armssales} is more fitted to examining the US’ perceived national security threat of another country’s government whereas the variable \textit{registered} measures more of the US’ perceived national security threat of individuals travelling from a given country. Since a national security threat can originate both from governmental and individual actors, it is important to measure both and how these threats impact asylum and refugee applicants to the United States.

\textbf{Control Variables}

In addition to these independent variables, I introduce control variables to this study to account factors other than foreign policy that may influence variations in the admissions ratings of asylum seekers and refugees. I address three main rival explanations for why the US would have higher or lower than expected admissions percentages for certain asylum or refugee groups. Below I discuss how human rights, social constructions of what it means to be “American,” and the domestic politics of immigration offer alternative explanations as to why admissions percentages for particular asylum or refugee groups may vary.

\textit{Admissions by Program}

I distinguish between admissions rates for asylum versus refugee applicants with the variable named \textit{program}. For this variable, 0 represents asylum program, and 1 represents
refugee program. As Figure 3 indicates, admissions rates for the asylum and refugee applicants varies.

**Human Rights Conditions**

The first rival explanation suggests that the US admissions ratings vary according to the degree of human rights abuses in the applicant’s country. This explanation is tied to instances of violence that take place in times of war where at least one fighting party is part of that country’s government. This rival explanation derives from the liberal institutionalist approach that argues that the US is expected to follow international norms put forth by regimes such as United Nations to admit asylum seekers and refugees partly based on the human rights conditions in the country regardless of the demographics of the applicant (Keohane 2012, Sterling-Folker 2000).

Foremost, based on the US criteria for refugee and asylum applications, there must be conditions where the government or its representatives of the refugee or asylum seeker producing country persecute or create a well-founded fear of persecution for these applicants. To control for this, I create the variable *freedom* drawing on data on human rights abuses in each country available from the Cingranelli-Richards (CIRI) Human Rights Project, which codes for the human rights practices of governments annually (Cingranelli, Richards and Clay 2014a).

The authors of the CIRI project define human rights practices as “the human rights-related actions of a government and any and all of its agents, such as police or paramilitary forces,” which is the definition I adopt as well (Cingranelli and Richards 2014, 4). The unit of coding CIRI uses is what they refer to as a “country-year” which is a specific country in a specific year such as Colombia 1997 (Cingranelli and Richards 2014, 3). I adopt the same unit of coding for my own research model. CIRI has many variables and indexes included in the dataset and I use two of the additive indexes for this model.
First, I use the Physical Integrity Rights Index “PHYSINT” (I rename as \textit{physfree}) which is “constructed from the Torture, Extrajudicial Killing, Political Imprisonment, and Disappearance indicators. It ranges from 0 (no government respect for these four rights) to 8 (full government respect for these four rights)” (Cingranelli, Richards and Clay 2014b). The second additive index I use is the Empowerment Rights Index “OLD_EMPINX” (I rename as \textit{polfree}) This index is “constructed from the Freedom of Movement, Freedom of Speech, Workers’ Rights, Political Participation, and Freedom of Religion indicators. It ranges from 0 (no government respect for these five rights) to 10 (full government respect for these five rights)” (Cingranelli, Richards and Clay 2014b). For these two additive indexes, the CIRI Human Rights Project adopts codes taken from the POLITY data project. I based my country selection on whether or not the country had less than a value of 7 for the PHYSINT index or less than the value of 10 for the OLD_EMPINX index for the time period 1997-2003 (Cingranelli, Richards and Clay 2014b). Although these maximum values may seem high for each index, it is typically the case that a country-year with a high PHYSINT value may have a low value for the OLD_EMPINX.

I combine these two indexes together to create a variable that represents the level of freedom for a country-year. I divide each index into low (0) and high (1) respect for individual freedoms and then add these two dichotomous variables into a new variable that ranges from 0 to 2 with higher numerical values corresponding to a government’s higher respect for its citizens physical and political freedoms.

\textit{War}

The freedom indexes do not include information on countries that are in a period of intrastate or interstate war, so I control for \textit{war} as well. I find it valuable to control for this since
war produces refugees and asylum seekers. I create two categories, no war (0) or war (1). Under the war category I include instances of civil and/or interstate war. I define war as conflict in a country during each country-year under the condition that the government of each country is participating in the war given the criteria for refugees and asylum seekers. I create this dichotomous variable from data from Peace Research Institute Oslo (PRIO, 2003). Specifically, I gathered data from a report on Armed Conflicts from 1946-2003 that includes information on the conflict “Location,” “Incompatibility,” “Opposition organization,” “Year,” and “Intensity level” (PRIO, 2003). I suspect that the US would accept asylum seekers and refugees if there is a war for that country-year.

Friends and Enemies

Another rival explanation is based on the idea that the US will be more willing to admit asylum seekers or refugees based on whether or not these applicants are perceived as similar to the constructed notion of what it means to be “American.” This rival explanation is conceptualized as encompassing the race and religion surrounding the applicants for each country-year. Furthermore, this explanation is under the constructivist approach discussed in the literature review (Gibney 2004; Zolberg 2006). I consider that individuals who reflect a perceived American identity and values are considered “friends” to the United States and those who do not are considered “enemies” (Wendt 1992).

Race

The literature suggests asylum and refugee applicants with certain races are admitted more readily than others (FitzGerald, Cook-Martin and Garcia 2014; Gibney 2004; Pantoja 2006; Zolberg 2006). Since the Immigration and Naturalization Services does not disclose the individual applicant's race, and my dependent variable only measures aggregate admissions rates,
I consider whether the typical asylum seeker or refugee from each country per year is likely to belong to one of four racial categories. To this end, I look for evidence of human rights violations in each country year that may impact a minority racial group more than the majority racial group (if such groups exist). I gather this information from the annually released United States Department of State Country Report on Human Rights Practices for each country-year. The race categories for $\text{racemin}$ are—White(0), other-non White(1), Asian(2), Black(3) and Black and other non-White(4).

I then collapsed these into a modified version of the racial categories that the US Census uses to gather information into the variable $\text{race3}$—Black (0), Other non-White (1) and White (2). I placed individuals from minority groups that are Asian, indigenous or as other non-White into the category Other non-White. I treat this variable as an ordinal one, in which those applicants whose race is White, reflect American citizens’ construction of whose is American more than those who belong to the Black and Other non-White categories. Implicitly, the expectation is that admission rates will be higher in country years where the applicants were more likely to be White.

This potentially controversial approach builds on research about Cuban and Haitian asylum seekers discussed in the literature review. Haitian asylum seekers were denied or even encouraged to return back to Haiti (FitzGerald, Cook-Martin and Garcia 2014; 125). On the other hand, Cuban asylum seekers were accepted and received “preferential treatment” (FitzGerald, Cook-Martin and Garcia 2014, 125). There is some dispute as to whether the reason for this is race, or the fact that Cubans were fleeing a communist government whereas Haitians were not (FitzGerald, Cook-Martin and Garcia 2014; 125). Brewer (2008) argues that the United States presented an image of Cuban refugees as not only ideologically similar to the US but also
attributed an image of whiteness to the early Cuban refugees to ensure their public acceptance to the United States. In contrast, the US did not engage in this process of “whitening” for Haitian refugees. These disputed claims regarding the role of race in admissions rates are accounted for in the following models I present.

**Religion**

Because another dimension of the “friends-enemy” distinction is religion, I also control for the religion of the asylum and refugee applicants from each country-year. I conceptualize the variable `religionmin` similar to how I conceptualized race where groups that share a more similar religious demography as the United States will be perceived as more easily integrable. Therefore, the construction of an “American” encompasses religion as well. I use a dummy variable to measure religion. The variable takes on the value 1 when at least one minority religion in the origin country-year is Christianity, specifically Catholic and/or Protestant. It takes on the value 0 when Christianity, including Catholicism and/or Protestantism, is not one of the minority religions for the country-year. I privilege Protestant and Catholic religions because they represent the majority religions in the United States (North America: United States, the World Fact Book, 2007). Since the majority religion of the United States is either Protestant or Roman Catholic according to the Central Intelligence Agency, applicants that share this religion may be more likely to be admitted to the US according to this alternative explanation. Indeed, as mentioned in my introduction, the U.S amended the Lautenberg Amendment in 2004 to permit Iranian religious minorities, which are either Christian or Jewish, admittance to the US as refugees through a “reduced evidentiary standard” (Bruno 2015, 7).

I use the annually released US Department of State Annual Reports on International Religious Freedom for each county-year from 1999 to 2003 to determine religious minorities in
each location since typically asylum seekers and refugees compose minority populations of their origin country. From 1997 to 1998 I use the United States Department of State Country Reports on Human Rights Practices to determine the religious minorities for each country year since the International Religious Freedom Act (IRFA) was not passed until 1998 and the corresponding reports were not published until for the year 1999.

Race and Religion Interaction

I also create a combined interactive variable `racerel` connecting the religious and racial minorities of the country of origin for applicants. I rename `religionmin` as `religion1` and use the `race3` for this interactive variable. The scale for this variable begins when the religious minority of a country is non-Christian and the racial minority is non-White and the other end of the scale is when the religious minority of a country is Christian and the racial minority is White.

Domestic Politics

A final alternative argument contends that domestic politics influence immigration policies, which may be extended to the policies and implementation of policies toward asylum and refugee applicants. I use two measures to control for this. First, to measure the public’s perception of migrants, asylees and refugees for a particular country-year, I include a variable that denotes whether there is a negative portrayal of these groups in the media. Additionally, because immigrants may pressure their host governments to admit asylum seekers or refugees from their shared country of origin, I include a measure on the presence of immigrants in the US from origin country in my model. Finally, I control for the number of individuals from a country that are already in the United States that are considered deportable by the government, since it may be more difficult for asylum seekers and refugee applicants from such countries to be considered eligible.
Newspaper Portrayal

The media is valuable for gauging public perception of social groups, including refugee and asylum applicants, over time (Seate and Mastro 2015, 1). Thus, the control variable newspaper indicates how the US media each year addressed and presented asylum and refugee applicants from each origin country. More specifically, I examine newspaper articles from the New York Times archive to determine if there are articles about asylum and refugee applicants for each country-year. I create two categories for this control variable with 0 representing when there are no articles about asylum or applicants for the country year that portray asylum or refugees negatively and 1 representing when there are articles about asylum or refugee applicants from the country-year that present the applicants negatively. I define a negative portrayal to be an illustration of the applicants as undeserving of refuge or a representation of the applicants that would generate public fear if the applicants were to be admitted. For instance, New York Times articles that connect asylum seekers and refugees with crime or terrorist activity, I code that country year as a 1. Additionally, if an article discusses an American community or group behaving negatively towards an immigrant group for each country year, I also code that country year as 1 since this reflects American opinion of that group for that time period. For the country-year cases that I examine for the US asylum process, I input “Country, asylum” and for the country-year cases that I examine for the US refugee process, I input “Country, refugees.” I hypothesize that as there are more articles that portray asylum seekers or refugees negatively, the less likely they will be accepted to the United States.

Domestic Diaspora

Finally, this alternative explanation argues that the strength of diaspora groups in the US influences the implementation of U.S asylum and refugee policy, and therefore the admissions
percentage of asylum and refugee applicants. A diaspora is considered a group of people that share a common “ethno-national cultural, social, and political origin and identity and who permanently reside as minorities . . . in a number of hostlands located far away from their original, actual or imagined, historical homeland” (Sheffer 2014, 37). I conceptualize the strength of these domestic diaspora groups by the population size of each immigrant group for every country-year. The larger population of these groups, I assume their influence on the US government to increase as well as their efforts in the US public to support their cause.

This variable, diaspora, is related to the lens of domestic politics because diasporas often use tools such as “lobbying Congress, the president and the administration, governors, state senates, and even local mayors” (Sheffer 2014, 51). Diaspora members may also encourage fundraising to support certain electoral campaigns and candidates that “seem sympathetic to them and their homelands” (Sheffer 2014, 51). Furthermore, DeWind and Segura argue that “the use of immigration and refugee policies as tools to promote foreign policy interests tended to reinforce the support of growing diaspora communities for US policies toward their ancestral homelands” (DeWind and Segura 2014, 13). Therefore, this alternative argument suggests that diaspora communities may influence refugee and perhaps also asylum policy in the United States.

I gather numerical data from INS annually to find the amount of immigrants in the United States for each country-year. For this interval level variable, the mean is 13,396.75 while the standard deviation is 30,910.49. Similar to the other interval level variables like deportable and arms sales, the number of immigrants for a given country-year is drastically different across all country-years.
Unauthorized Migration

Asylum and refugee applicants may be perceived as individuals making false asylum or refugee claims to try to enter the United States. Even the United States Congress held a hearing in 2014 entitled “Asylum Fraud: Abusing America’s Compassion?” which showcased concerns representatives may have on admitting applicants into the United States. During this hearing, a New York Times article was discussed that included a story on how some illegal immigrants may learn how to create plausible stories to appear as though they have been persecuted in their country of origin (Asylum fraud: Abusing America’s compassion? 2014, 20). Furthermore, the idea that illegal immigrants have incentives to create false asylum claims once inside the United States to receive permanent legal status and then be qualified for becoming a citizen was put forth in the hearing (Asylum fraud: Abusing America’s compassion? 2014, 22). The countries of Central America and Mexico specifically were singled out in this discussion as countries that produce high numbers of illegal immigrants that have become more likely to file asylum claims given “enhanced border security” (Asylum fraud: Abusing America’s compassion? 2014, 25). Additionally, Anita Atwell Seate and Dana Mastro discuss how multiple studies have pointed to the conclusion that “illegal aliens” are often perceived as “threats to the US value systems, including liberty, democracy, and safety” in popular media (Seate and Mastro 2015, 3).

The effect of these concerns by these representatives on asylum admissions ratings has been examined by scholars. For instance, Idean Salehyan argues that “concern with illegal immigration in the 1990s also affected admissions rates as applicants from top sources of undocumented migrants were subject to greater scrutiny, even when controlling for human rights records” (Salehyan 2009, 56). Therefore, this rival explanation suggests countries that produce large numbers of undocumented immigrants in the United States may influence the admissions
percentage rating of asylum and refugee applicants from these countries. Thus, I control for countries that have a high amount of undocumented immigrants in the United States. I code this variable by using an interval level measurement and adopt the terminology of the INS and call this variable *deportable*. I gather data on the annual number of deportable migrants in the US for each country-year from the Statistical Yearbook of the Immigration and Naturalization Service. The mean number of individuals eligible for deportation in the United States from 1997-2003 for the thirty one countries examined is 54,916 with a standard deviation of 275,637. This standard deviation is very large, which indicates there is a disparity among the amount of deportable migrants from the different 31 country-year cases.

I provide descriptive statistics for each of these variables in Appendix D.

**Conclusion**

Even though the United States adopted the United Nation’s definition for asylum seekers and refugees as individuals facing with the 1980 Refugee Act, policies intended to enforce this commitment have not been evenly implemented. I analyze the variations in the implementation of United States asylum and refugee policies in the post-Cold War era to determine what causes these variations. Therefore, I ask, what drives the variation in the implementation of US asylum and refugee policy?

As mentioned after the discussion of the literature review, I hypothesize that foreign policy interests, or the foreign relations between the US and the applicant producing country, influence the admittance rates of asylum and refugee applications. The three main arguments that support this hypothesis are categorized into diplomatic relations, economic reliance and national security. The variables that correspond to these explanations include *diplomacy1, trade, armssales* and *registered*. In addition to these four variables, there are many others included in
the research models as controls. These controls correspond to three main alternative explanations related to the liberal institutionalist lens, the constructivist perspective and the role of domestic politics. The effect of the independent variables and these controls on the likelihood of an applicant’s admission to the United States will be measured in the three models discussed in the following chapter.
Chapter Three: Models, Results and Discussion

In this chapter I present the three models I use to test my hypothesis that US foreign policy toward an asylum or refugee applicant’s country of origin affects asylum and refugee admissions rates. After explaining and justifying each model, I provide a discussion of the results. I run three OLS regression models to test the relationship between the percentage of asylum and refugee applicants admitted to the US and multiple independent variables and controls discussed in the previous chapter. I also compare the results of each model with one another and discuss what the results suggest holistically about the relationship between US foreign policy and asylum and refugee admissions. The first two models include the foreign relations combined variable (foreignrelations) and a race and religion interactive variable (racerel). The third model includes separate independent variables reflecting foreign relations (diplomacy1, trade, armssales) and controls religion (religionmin) and race (racemin) separately. The results for all three models are in Table 1 below.

Model 1

Admission percentage=$\beta_0 – \beta_1$(foreignrelations) + $\beta_2$(program) - $\beta_3$(freedom) – $\beta_4$(race3) + $\beta_5$(religion1) + $\beta_6$(racerel) + $\beta_7$(war) + $\beta_8$(newspaper) - $\beta_9$(deportable) - $\beta_{10}$(diaspora)

This first model includes the combined independent variable foreign relations as well as the control variables program, freedom, race3, religion1, racerel, war, newspaper, deportable and diaspora. This model explains 46.7% of the variance in the asylum and refugee admissions rates in the United States, F(10, 145)=14.56, p<0.001. The variables foreign relations, raceminority, religiousminority1, racerel, newspaper, and deportable do not have statistically significant effects on the admissions of asylum or refugee applicants. I do not include the variable registered in this model in order to test the role of foreign relations for a larger sample size (recall that registered is only available for cases after 2002).
Although the population size of the diaspora group in the United States for an applicant’s country is statically significant for this model, there is no real effect of this variable on the admissions rate because the coefficient is close to 0. The program type, or whether the admission rates are for refugee or asylum applications, has the strongest effect on the percentage admitted when holding the other independent and control variables constant. The admission rate is 21.8% higher through the refugee as opposed to the asylum program. The coefficient for the variable \textit{freedom} (-0.101) suggests that as an origin country government’s respect for individual freedoms increases, the percentage of admitted applicants from that country increases by -10.1% holding all other independent and control variables constant. Finally, the percentage of applications that are admitted increases by 5.59% for origin country years in which there was war, holding the other variables constant.

Model 2

\[ \text{Admission} = \beta_0 - \beta_1(\text{foreign relations}) + \beta_2(\text{program}) - \beta_3(\text{freedom}) - \beta_4(\text{race3}) + \beta_5(\text{religion1}) + \beta_6(\text{racerel}) - \beta_7(\text{war}) - \beta_8(\text{newspaper}) - \beta_9(\text{deportable}) - \beta_{10}(\text{diaspora}) + \beta_{11}(\text{registered}) \]

This second model, including the combined variable \textit{foreign relations} as well as the variables \textit{program, freedom, race3, religion1, racerel, war, newspaper, deportable, diaspora} and \textit{registered} explains 32.6% of the variance in the asylum and refugee admissions rates in the United States, F(11, 37)=3.11, p<0.005.

The variables \textit{foreign relations, race3, religion1, racerel, war, newspaper, deportable} and \textit{diaspora} do not have a statistically significant effect on the percentage of admissions. The independent variable \textit{registered} has the strongest effect. We can be 90% confident that origin-country-years that require special security screening have 21.2% higher admissions rates than origin-country-years that do not have this requirement. However, the standard error for this
relationship was quite large because of the small sample size and large standard deviation for this variable. Not surprisingly, admissions rates vary significantly by program, with the percent admitted consisting of 20.2% refugee cases. Finally, the coefficient for the variable freedom (-0.097) indicates that as the government’s respect for individual freedoms of the applicant’s country of origin increases, the percentage of accepted applications from that country declines by 9.7%.

Model 3

\[
\text{Admission} = \beta_0 + \beta_1(\text{diplomacy1}) + \beta_2(\text{registered}) - \beta_3(\text{arms sales}) + \beta_4(\text{trade}) + \beta_5(\text{program}) - \beta_6(\text{freedom}) + \beta_7(\text{racemin}) + \beta_8(\text{religionmin}) - \beta_9(\text{war}) - \beta_{10}(\text{newspaper}) - \beta_{11}(\text{deportable}) - \beta_{12}(\text{diaspora})
\]

This third model, which includes the variables diplomacy1, registered, armssales, trade, program, freedom, racemin, religionmin, war, newspaper, deportable and diaspora explains 35.6% of the variance in the asylum and refugee admissions rates in the United States, F(12, 38)=3.30, p<0.005. The variables diplomacy1, armssales, trade, freedom, racemin, war, newspaper, deportable and diaspora do not have a statistically significant effect.

The variables program, registered and religionmin are all statistically significant. Recall that the variable representing the religious minority group for a particular country is a dummy coded 0 when Christianity, including Catholics and/or Protestants, is not one of the minority religions for the country-year, or 1 when there is at least one minority religion that is Christianity, specifically Catholic and/or Protestant. The rate of admission is 24% higher from country years in which the religious minority is Christian than if the religious minority is not Christian, holding all other independent and control variables in the model constant.

Similar to the second model, the variable registered was statistically significant and had a positive effect on the admission rate. The results of this model indicate admissions were 19.2%
higher for countries that require special registration. Finally, as in the other two models, the variable *program* was statistically significant. Admissions were 17.7% higher for the refugee program, as opposed to the asylum program.

**Table 1: Effect of Foreign Policy on Asylum and Refugee Admissions Percentages**

<table>
<thead>
<tr>
<th>Independent Variables</th>
<th>Model 1</th>
<th>Model 2</th>
<th>Model 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Program Type</td>
<td>0.218****</td>
<td>0.202***</td>
<td>0.177***</td>
</tr>
<tr>
<td></td>
<td>[0.0486]</td>
<td>[0.0960]</td>
<td>[0.0860]</td>
</tr>
<tr>
<td>Foreign Relations</td>
<td>-0.024</td>
<td>0.0341</td>
<td></td>
</tr>
<tr>
<td></td>
<td>[0.0237]</td>
<td>[0.0536]</td>
<td></td>
</tr>
<tr>
<td>Diplomatic Relations</td>
<td></td>
<td></td>
<td>0.046</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>[0.0924]</td>
</tr>
<tr>
<td>Economic Dependence</td>
<td></td>
<td></td>
<td>2.99e-07</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>[1.15e-06]</td>
</tr>
<tr>
<td>Arms Sales</td>
<td>-1.44e-04</td>
<td></td>
<td>0.0007</td>
</tr>
<tr>
<td></td>
<td>[0.0299]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Registered</td>
<td>0.212**</td>
<td>0.192**</td>
<td></td>
</tr>
<tr>
<td></td>
<td>[0.1086]</td>
<td>[0.1020]</td>
<td></td>
</tr>
<tr>
<td>Governmental Respect for Freedom</td>
<td>-0.101****</td>
<td>-0.097*</td>
<td>-0.082</td>
</tr>
<tr>
<td></td>
<td>[0.0299]</td>
<td>[0.0606]</td>
<td>[0.0617]</td>
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<tr>
<td>Race Minority</td>
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<td>0.042</td>
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<td></td>
<td>[0.1379]</td>
<td>[0.3112]</td>
<td>[0.0360]</td>
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<tr>
<td>Religious Minority</td>
<td>0.013</td>
<td>0.109</td>
<td>0.24**</td>
</tr>
<tr>
<td></td>
<td>[0.1441]</td>
<td>[0.2447]</td>
<td>[0.1395]</td>
</tr>
<tr>
<td>Race and Religion</td>
<td>0.153</td>
<td>0.207</td>
<td></td>
</tr>
<tr>
<td></td>
<td>[0.1530]</td>
<td>[0.3336]</td>
<td></td>
</tr>
<tr>
<td>War</td>
<td>0.0559**</td>
<td>-0.053</td>
<td>-0.062</td>
</tr>
</tbody>
</table>
Discussion

Model 1

Model 1 does not support my hypothesis that US foreign policy interests influence admissions. The coefficient for the variable representing foreign policy interests is close to zero, signifying there is close to no effect of this variable on admissions. To the contrary, the results of Model 1 suggest that the admittance rate of asylum and refugee applicants is aligned with how the US defines refugees and asylum seekers in the Refugee Act as individuals facing “persecution or a well-founded fear of persecution based on race, religion, nationality, political opinion, or membership in a particular social group.”

It appears that if there is war in a country of origin or restricted human rights, then it is more likely that an applicant is admitted as an

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asylum or refugee applicant. Interestingly, the results indicate that refugee applicants are generally more admissible than asylees.

Although the variables *newspaper* and *deportable* did not have a statistically significant effect on asylum and refugee decisions, it is interesting to note that there is no effect of each of these variables on the admissions rates since the coefficients were very small and close to 0. This is the case for all three models. Although the coefficient for the variable for *newspaper* changed from a positive value from the first model to a negative value for the next two models, since the coefficient is close to 0, I consider this sign change insignificant. The variable *newspaper* is intended to capture the effect of negative public perception and portrayals of migrants, asylum seekers and refugees on the admittance rate of asylum and refugee applicants. The results of this model suggest that there is no effect of this variable on admissions rates. It would be interesting see how the growth and evolution of social media and news has impacted public perception of asylum seekers and refugees today and if this perception has influenced admissions rates for particular applicants.

Overall, these outcomes suggest that approaching asylum and refugee policy implementation through the liberal institutionalist theoretical lens is a better predictor of when policies are implemented rather than the realist lens that influenced the hypotheses of this research. The effect of the variable *freedom* on the approval percentages for applicants aligns with the expectations put forth by the UN 1951 Convention Relating to the Status of Refugees. Although the effect of the variable was statistically significant and in the direction supporting the guidelines of the Convention, a 10.1% decrease in the admissions approval percentage corresponding to countries with low respect for human rights to countries with high respect for human rights does not appear to be an exceptionally strong relationship. Since the definition of a
refugee or asylum seeker is believed to be based on the applicant’s level of persecution or well-founded fear or persecution, it seems as though this percentage should be much greater than 10.1% as in this Model or 9.7% in the case of Model 2.

Model 2

The central difference in the outcomes of Model 1 and Model 2 is the effect of national security on the admission rates of asylum and refugee applicants. For this model, the variable \textit{registered} represents US national security interests. Thus, foreign relations, represented through the variable \textit{registered}, do have an effect on the dependent variable that is statistically significant. However, the combined variable, \textit{foreignrelations}, had a coefficient that was small and close to 0 as found in the first model so the effect of the variables \textit{diplomacy1}, \textit{trade} and \textit{armssales} together through this variable had an insignificant effect on the dependent variable.

As a result, my hypothesis that foreign relations influences admissions rates is partly true according to this model. However, the direction of this relationship is different than I had expected. As mentioned, the percentage of applicants that are admitted increases by 21.2% for origin country years that are on the list of special registration. I expected that it would be less likely for an applicant to be admitted to the United States if their country of origin was on the list of special registration since the US must perceive that country and its citizens as a national security threat. However, since individuals from countries that are on these special registration lists have to go through extra screening procedures and have their names registered, perhaps they are seen as less of a security threat because the government is aware of these extra screening measures. Consequently, the US government may perceive asylum or refugee applicants from countries that are not on these lists to pose a greater threat to national security since they do not have to go through an additional screening and registration process. Overall, this model indicates
that drawing from the realist lens, national interests do influence the admissions rates of asylum and refugee applicants from given countries.

At the same time, the results of the model show that the realist lens cannot completely explain the variation in asylum and refugee admissions rates. Similar to the Model 1, the liberal institutionalist lens helps explain why the level of freedom in an applicant’s country affects their admission to the United States. However, admissions only decreases by 9.7% as their country’s government respect for human rights and freedoms increases. This effect is slightly lower than that from Model but still suggests that the liberal institutionalist approach can partially explain the admission rates of applicants given their country of origin. Similar to Model 1 and Model 3, it is interesting that the program type an applicant from a particular country applied through influences their likelihood of admission.

Model 3

The results of Model 3 indicate two different outcomes that were not produced in either Model 1 or Model 2. Unlike the first two models, the results for this last model suggest that the admissions rates for asylum and refugee applicants is not consistent with how the Refugee Act of 1980 defines the criteria that should be met for asylum and refugee admissions. The governmental respect for physical and political freedoms in an applicant’s country of origin has no effect on the probability that an applicant is admitted. This is a concerning finding since the US defines in the Refugee Act that a refugee or asylum seeker must be persecuted or have a well-founded fear of persecution in their country of origin “ on account of race, religion, nationality, membership in a particular social group, or political opinion”. Despite this

definition, the results of the model illustrate that admissions is not based on these definitions since admissions does not vary according to the human rights conditions in an applicant’s country of origin.

Secondly, unlike the first two models, Model 3 indicates that the religious minority of an applicant’s country of origin affects their likelihood of admission when considering the religious and racial minorities separately. More specifically, if an applicant is from a country where the religious minority is Christian, including Roman Catholic or Protestant, then the percentage of applications that are admitted for origin country years increases by 24%. Given the recent “Refugee Program Integrity Restoration Act of 2016” referred to the Committee on the Judiciary that specifically intends to provide priority consideration to asylum and refugee applicants who are religious minorities, it appears that the United States may be prioritizing religious minorities more generally but specifically minorities that are reflective of the US’ religious demography. This result is reflective of the constructivist theoretical approach that suggest that the US may be more willing to admit individuals that are reflective of the constructed idea of an “American” as someone who is Christian.

Similar to Model 2, this final model supports part of my hypothesis that foreign policy toward an applicant’s country of origin affects admissions rates for that country. The variable registered has a statistically effect on admissions rates although the effect is in the opposite direction I hypothesized. I understand this positive direction between registration and admissions to reflect the US’ assumption that asylum and refugee applicants will receive extra screening through this registration program and are ultimately less of a national security threat to the US than countries that may not be a part of the special registration program. Finally, as with the
other models, the results of Model 3 demonstrate that applicants from a given country are more likely to be admitted through the refugee program rather than applying through the asylum process.
Conclusion

Overview

This thesis examines the implementation of asylum and refugee policy in the United States since the Refugee Act of 1980 was enacted. Although the Refugee Act defined who is considered a refugee and an asylum seeker, which brought the United States’ policies closer to the criteria put forth by the United Nations 1951 Convention Relating to the Status of Refugees, there is evidence that the United States was not evenly implementing its asylum and refugee policy throughout and after the Cold War period. The United States would more readily accept refugees and asylum-seekers from countries that the US considered as enemies during and closely after the Cold War and would be less willing to accept asylum-seekers and refugees from its allies despite governmentally induced human rights abuses in those countries (Loescher and Scanlan 1986; Rosenblum and Salehyan 2004; Bruno 2015; Asylum Statistics FY 2010-2014). I examined whether or not these variations continued in the period after the Cold War and if US foreign policy toward a country influenced asylum and refugee admissions for applicants from that country. Based on this disparity in policy implementation, I questioned the reasoning for the variation asylum and refugee policy since the passage of the Refugee Act and intended to strengthen our understanding of whether US asylum and refugee policy is an extension of US foreign policy, and if so, how?

I examined the time period between 1997 and 2003 before the Department of Homeland Security was created and after the Cold War since finding quantitative data on the number of individuals who applied and were admitted to the United States as asylees and refugees during this time period was accessible. Additionally, after the events of September 11th the asylum and
refugee programs were reorganized into multiple organizations. I examined the programs before this change in organization occurred to ensure the data remained consistent.

I reviewed literature related to immigration policy and foreign policy to guide my research and substantiate my hypotheses that foreign policy influences asylum and refugee admissions. I studied four central theoretical lenses to determine what approach I believed could best predict what causes variation in the implementation of US asylum and refugee policy. Although the period I was examining was after the Cold War had ended I believed foreign policy still played an important role in determining who was admitted into the United States as an asylum seeker or refugee given the theories put forth by the realist perspective. According to realism, the actions of states are driven by their national interests, including their actions toward other states. I consider diplomatic relations with other states, economic strength and national security to form the central national interests for the United States. These national interests directly influence the US's foreign relations with other states. Therefore, I hypothesize US foreign policy interests in a given country influences the asylum and refugee admittance rates for applicants from that country into the United States. I created three sub hypotheses from this main hypothesis that correspond to the three central national interests discussed.

Findings and Discussion

To test these hypotheses I created a database and developed three models using OLS regression to generate the effect of each independent variable and control variable on the admission rates for asylum and refugee applicants. The results of these three models were not all aligned with the expectations of the hypotheses for this research. Only one independent variable related to foreign policy interests had a significant effect on the dependent variable. This independent variable, registered, was one of two variables representing the role of national
security in foreign policy of the US toward other countries. Therefore, national security does have an effect on US asylum and refugee admissions rates but it is a relatively weak effect that is not in the predicted direction. I predicted that there would be lower admissions rates for countries that were registered because those countries would be perceived as national security threats. However, as I discuss in my literature review, if the United States feels threatened by another state, it can accept a large number of refugee or asylum seekers from that state as a non-violent response to the threat. This would in turn hurt that states’ international standing since this action signals to the world that that country cannot protect its own citizens from harm. Therefore, the US may have the extra registration and screening processes in place to ensure that individual applicants do not pose national security threats themselves rather than that applicant’s country and its government.

For all three models, admissions rates were higher for the refugee program than the asylum process. This effect of this variable on the dependent variable was the most statistically significant or tied for the most statistically significant effect compared to all of the effects the other variables produced.

Not all three models indicated that the level of freedom in an individual’s country of origin had an effect on their admittance as an asylum seeker or refugee to the United States. Although two of the three models did indicate that this relationship did exist, I believe as the level of an individual's freedom decreases in a country, their admittance to the US should increase accordingly given these human rights violations for all models. It is concerning that war only had a statistical effect in one model as well since war can lead to human rights abuses that produce asylum seekers and refugees.
It is remarkable that the religious minority of an applicant’s country of origin does influence an applicant’s likelihood of admittance to the United States. This finding indicates that the US has been favoring applicants whose religious demographics are more reflective of the overall religious composition of the United States.

Together these results suggest that no one theoretical approach can explain asylum and refugee admissions rates for the United States. For every model, the results illustrate that a combination of the theoretical approaches in the literature review influence admissions rates. National interests, specifically national security concerns, influence admissions rates given that the special registration program is accounted for. The results also suggest US does not always follow international expectations put forth by the UN Convention Relating to the Status of Refugees or its own criteria defined in the Refugee Act of 1980. When the US does follow these norms and guidelines, it is unclear how evenly they are followed since the effect of governmental respect for individual freedoms for a given country on admissions rates is relatively weak given that this is expected to be the main determinant of asylum and refugee admissions. Finally, the constructivist approach is also important to consider when understanding how a Christian religious minority for a given country leads to the probability of higher admissions rates for that country-year.

Limitations

As with most research, my results depended on how I conceptualized and defined each variable and certain variables were limited because of the number of missing values within the data. Specifically, the data for the variable *registered* was limited by its missing values but still valuable to include since its effect on the dependent variable was statistically significant compared to the effect of other independent and control variables. The variables measuring
religious minority and racial minority groups in a particular country are intended to reflect the likely religious or racial group that an asylum or refugee applicant belongs to. However, there may be cases in which an applicant does not belong to either of these minority groups. I separated the variables reflecting religious and racial minorities in the third model for cases when an asylum or refugee applicant may have only belonged to one minority group of a particular country. Finally, since I examined the time period from 1997-2003, the findings of this research are limited to this time because the asylum and refugee programs have been reorganized since 2003.

**Further Research**

It would be interesting to conduct this study on the current asylum and refugee policies. Since the asylum program is divided into the Executive Office for Immigration Review and the United States Citizenship and Immigration Services for the defensive and affirmative processes respectively, it would be interesting to see if there are differences in what influences admissions through these two processes within the asylum program. It would also be fascinating to compare the US’ policies with that of other countries, especially the Dublin Regulation that determines asylum policy in Europe to see if other countries in the European Union prioritize the admission of certain groups (“Dublin Regulation - European Council on Refugees and Exiles”).

While investigating relevant literature for this thesis, in comparison to the more macro-level approach to studying what affects asylum and refugee admissions I adopted, there was literature that investigated individual actors involved in asylum and refugee policy implementation. According to this micro-level approach, the accumulation of actions taken by key individual actors influences patterns of variation in US asylum and refugee policy implementation. According to Keith, Holmes and Miller, analyzing individual actors is important
since (2013), “the US General Accounting Office (GAO) noted that, in 2008, the likelihood of receiving a grant of asylum was 420 times greater than the likelihood of receiving a grant of asylum from the IJ (Immigration Judge) least likely to grant asylum to the IJ most likely to grant asylum in the same court” (GAO 2008).

In these explanations, Asylum Officers and Immigration Judges are the foci for understanding why certain asylum claims are granted and others are not. This micro-level perspective is contrary to the assumption of the realist approach that considers states as unitary actors. It is evident from this micro approach that individuals within states, such as the officers and judges discussed, can have influential impacts on the outcome of a state’s foreign policy. However, perhaps micro actors, such as asylum officers and immigration judges, reinforce foreign policy interests of the United States since they make their determinations from material on the applicant’s state that the Department of State compiles (Pepper and Mateen 2006, 23). These Department of State reports are most likely reflective of the US’ foreign interests and may contribute to promoting the state’s interests. Overall, attempting to prove this theory would require extensive data that is difficult to access and demand a substantial amount of time to study, since thousands of asylum and refugee cases are heard each year. Regardless, this may be a valuable direction to extend the research of this thesis and could contribute to how well these findings explain current asylum and refugee admissions at all levels of the processes.
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**Database Sources**


### Appendix A: Database

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Appendix B: Code Book

CODEBOOK

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**Dependent Variable**

*admissions for Asylum Program: Interval Level*

Numbers correspond to the percent admittance rates of asylum seekers in the United States for each country-year from the INS. These values can be 0-1 and are in decimal form.

Percent admittance rate = (Number of cases granted)/(cases granted + cases denied + cases referred to an immigration judge following an interview)

*admissions for Refugee Program: Interval Level*

Numbers correspond to the percent admittance rates of refugees in the United States for each country-year from the INS. These values can be 0-1 and are in decimal form.

Percent admittance rate = (Number of cases granted)/(Number of cases granted + cases denied)

**Independent Variables**

*program: Categorical*

- 0-asylum program
- 1-refugee program

*diplomacy: Ordinal Level*

- 0 = No diplomatic relations, communication through interest section of another country
- 1 = No diplomatic relations, US embassy in neighboring country
- 2 = Interest section exists, no full embassy, may have Charge de Affaires or some diplomatic relations, formal diplomatic relations are not completely cut off
- 3 = Embassy but no FSO but lower like Charge de Affaires
- 4 = Foreign Service Officer with Embassy

*diplomacy1: Ordinal Level*

- 0 = Every other form of diplomatic relations other than described for 1
- 1 = Diplomatic relations through Foreign Service Officer with Embassy

*armssales: Interval Level*

The values for this variable represent the number of arms the US has sold to each country annually. The values are in millions of US dollars at constant 1990 prices. I dichotomized this into the variable *armssales1* for the foreign relations index (0 for low arms sales and 1 for high arms sales).
**trade:** *Interval Level*

The numerical values represent the trade balance between two countries and can be in negative and positive values as well as 0. The values are represented in millions of dollars. I dichotomized this into the variable *trade1* for the foreign relations index (0 for low trade and 1 for high trade).

**registered:** *Categorical*

0 - not in list of extra screening/need to register
1 - on list to be screened/registered

**foreign relations:** *Index*

Scale from 0-3
Includes Diplomacy(0-1), Arms Sales (0-1) and Trade (0-1)
Where 1 represents high diplomacy, arms sales and trade and 0 represents low levels of diplomacy, arms sales and trade between the US for a country year.

**Control Variables**

**physfree:** *Additive Index*

I use the Physical Integrity Rights Index [PHYSINT] which is “constructed from the Torture, Extrajudicial Killing, Political Imprisonment, and Disappearance indicators. It ranges from 0 (no government respect for these four rights) to 8 (full government respect for these four rights).” I dichotomize this into *phys1* to create *freedom*

**polfree:** *Additive Index*

The Empowerment Rights Index [OLD_EMPINX] is “constructed from the Freedom of Movement, Freedom of Speech, Workers’ Rights, Political Participation, and Freedom of Religion indicators. It ranges from 0 (no government respect for these five rights) to 10 (full government respect for these five rights).” I dichotomize this into *pol1* to create *freedom*

**freedom:** *Additive Index*

Includes *phys1* and *pol1*

1 - low governmental respect for individual freedoms for a country year
2 - high governmental respect for individual freedoms for a country year

**war:** *Categorical*

1 - No war where at least one side is the country’s government
1 - War where at least one side is the country’s government

**diaspora:** *Interval Level*

The numerical values for this interval level variable represent how many immigrants from each country are in the United States each year.

**racemin:** *Categorical*

White-0
Other non-White-1
Asian-2
Black-3
Other Non-white and Black-4

**race3: Categorical**
0-Black
2-other non-White
2-White

**religionmin and religion1: Categorical**
I create the two categories where there is at least one minority country that is Christianity, specifically Catholic and/or Protestant, (1) and another category where Christianity, including Catholics and/or Protestants, is not one of the minority religions for the country-year. (0)

**racerel: Interactive Variable**
Scale from 0 to 2 where 0 corresponds to the case where the religious minority of a country is Christian and the racial minority of a country is black and 2 corresponds to the case where the religious minority of a country is Christian and the racial minority is white.

**newspaper: Categorical**
1-Refugees or asylum seekers are presented in a manner that is not negative or are not presented in articles
2-Refugees or asylum seekers are presented in negative manner

**deportable: Interval Level**
The values for this variable represent the number of identified deportable individuals in the United States each year for the given country.
Appendix C: STATA Input

. graph bar (mean) admissions, over(program) blabel(bar) ytitle(Mean Admissions Percentage) title("Mean Admissions Percentages")
generate byte diplomacy1 = 0 if diplomacy<=3
replace diplomacy1 = 1 if diplomacy>3 & diplomacy<=4
tab diplomacy1
generate byte trade1 = 0 if trade<=814
replace trade1 = 1 if trade>814 & trade<=247275
tab trade1
generate byte armssales1 = 0 if armssales<59
replace armssales1 = 1 if armssales>59 & armssales<=1273
tab armssales1
gen foreignrelations=diplomacy1+armssales1+trade1
tab foreignrelations
generate byte phys1 = 0 if physfree<=3
replace phys1 = 1 if physfree>3 & physfree<=8
generate byte pol1 = 0 if polfree<=4
replace pol1 = 1 if polfree>4 & polfree<=10
tab phys1
tab pol1
gen freedom=phys1+pol1
tab freedom
generate byte religion1 = 0 if religionmin<=0
replace religion1 = 1 if religionmin>0 & religionmin<=1
tab religion1
generate byte race3 = 2 if racemin<=0 replace race3 = 1 if racemin>0 & racemin<=2 replace race3 = 0 if racemin>2 & racemin<=4
gen racerel=race3*religion1
tab racerel
reg admissions program foreignrelations freedom race3 religion1 racerel war newspaper deportable diaspora
reg admissions program foreignrelations freedom race3 religion1 racerel war newspaper deportable diaspora registered
reg admissions program diplomacy1 trade armssales registered freedom religionmin raceminority war newspaper deportable diaspora
summarize admissions program diplomacy1 registered trade trade1 armssales armssales1 physfree polfree phys1 pol1 freedom racemin religionmin race3 racerel religion1 war newspaper deportable diaspora foreignrelations
## Appendix D: Descriptive Statistics

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