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The provision of protection to asylum-seekers in destination countries

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ABSTRACT

The percentage of asylum-seekers awarded refugee or humanitarian status varies considerably across destination countries. It is improbable that the variance can be explained simply by the merit of each asylum-seeker's claim. A broad range of factors that have the potential to influence recognition rates are investigated in this study. These include: the conditions in the countries of origin; the destination countries' asylum-burden, political ideology, openness to outsiders, diplomatic relationships, economic conditions, need for population replacement, the ten year average refugee recognition rate, domestic refugee legislation and administrative considerations. The findings suggest that conditions in the origin countries known to produce refugee outflows influence the way in which destination countries *allocate* protection to asylum-seekers. However, the *amount* of protection provided by destination countries is found to be impervious to refugee-generating conditions in origin countries. It will be suggested that the supply of protection is pegged at a level deemed acceptable to the destination country, with fluctuations occurring as a result of a change in domestic factors such as increasing asylum applications and growing numbers of foreigners.

1. Introduction - the research question[1]

During 2002, half a million people sought asylum in destination countries[2] (UNHCR:2004b:12). Three possible scenarios awaited these asylum-seekers. Those establishing a "well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion" and [were] unable or, owing to such fear, [were] unwilling to avail [themselves] of the protection of that country" (UNHCR:1979:8), could have been recognised as refugees under the 1951 Convention relating to the Status of Refugees (hereafter referred to as the 1951 Geneva Convention[3]. Those with claims falling outside the narrow scope of the refugee definition, but deemed worthy of protection for more general humanitarian reasons, may have been awarded humanitarian status. Finally, those unable to establish refugee or humanitarian grounds in their asylum claim could have been denied the right to remain in the country.

The basis for extending protection to persons seeking asylum is enshrined in international law and protocol. The 1951 Geneva Convention requires that protection is provided to any person found to be a refugee, and the UNHCR encourage States to provide asylum to persons in need of international protection, but whose claims fall outside the narrow scope of the refugee definition (Türk:1999). Despite this, the percentage of asylum-seekers awarded refugee or humanitarian status varies considerably across destination countries .

In 2002, the average refugee recognition rate across destination countries was 13%. However, Table A[4] reveals an astounding disparity in

Table A. Recognition rates

	refugee	humanitarian	combined
Greece	0.4	0.7	1.1
Finland	0.8	34.6	35.4
Netherlands	1.3	12.9	14.2
Sweden	1.3	19.4	20.7
Norway	2.7	23.9	26.6
Japan	3.1	8.7	11.8
Luxembourg	4.6	3.6	8.2
Germany	7.5	1.8	9.3
Italy	7.6	4.8	12.4
Switzerland	8.7	37.3	46.0
Portugal	8.8	10.1	18.9
Spain	10.1	4.4	14.5
Denmark	10.4	13.8	24.2
NZ	11.4	0	11.4
Australia	13.7	0	13.7
France	14.1	0	14.1
UK	16.6	15.1	31.7
Ireland	16.8	0.9	17.7
Austria	20.0	0	20.0
Belgium	20.6	0	20.6
USA	34.9	0	34.9
Canada	57.8	0	57.8

1 This paper is a revised version of the author's dissertation entitled 'On what basis do destination countries provide refugee and humanitarian protection to asylum-seekers?' submitted to the University of Edinburgh for the award of an MSc. European and Comparative Public Policy with distinction in January 2005.

2 In this context, 'destination countries' refers to highly industrialised countries which attract asylum-seekers. Destination countries included in this analysis are: Austria, Australia, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Japan, Luxemburg, Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, United Kingdom and the United States.

3 Destination countries included in this survey, except the United States, are signatories to the 1951 Geneva Convention, and all have signed the 1967 Protocol relating to the Status of Refugees (UN:2002).

4 Graph constructed by the author from data contained in Table 5 UNHCR (2003a). The humanitarian recognition rate is calculated by subtracting refugee rate from the 'total'. Data for Italy sourced from UNHCR (2004a) Table C12 and C13. Data for Luxembourg sourced from ECRE (2004).

refugee recognition rates – from Greece, where 0.4% of asylum-seekers were awarded refugee status, to Canada, where 58% were awarded refugee status. The standard deviation is 13%.

What is the reason for this variation? As destination countries are bound by international obligation to the 1951 Geneva Convention, theoretically they "do not have the freedom to decide on criteria for the granting of asylum. In principle, each case must be determined according to its merits as defined by the relevant conventions: the moral claim of the applicant is overriding" (Joly:1996:33). The asylum-seeker's moral claim, to which Joly (1996) refers, is to be protected from persecution or a violation of his/her human rights. If destination countries accept this moral claim, variation in refugee recognition rates can only be explained by differences in the overall merit of a destination country's asylum-seekers. While it would be reasonable to assume that the asylum-seekers resident in each destination country have differing levels of overall merit, it would seem absurd to suggest that the asylum-seekers in Canada were 145 times more likely to have experienced persecution than those in Greece. As merit cannot account for the disparity in recognition rates, which is clearly visible in Figure A, this indicates that destination countries are incapable of adequately fulfilling their international obligations, and/or are disinclined to do so as they are "jealous of their sovereignty and especially control over their borders, and are overwhelmingly guided by their national interest, expressed through their foreign and domestic policies rather than by moral imperatives"(Joly:1996:33).

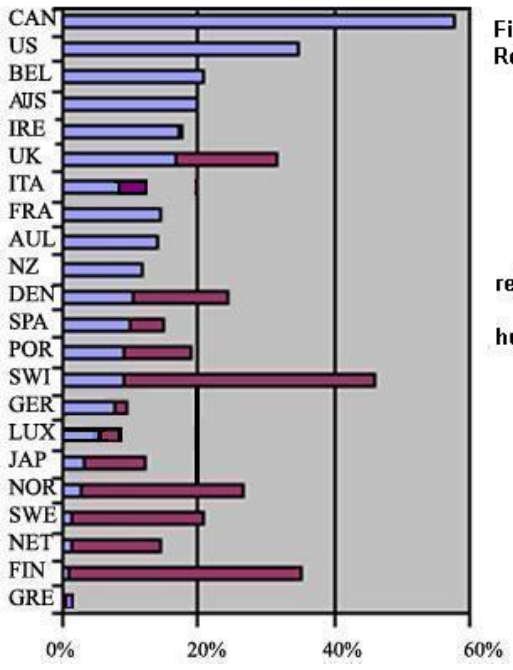


Figure A. Recognition Rates

There is no legal obligation for destination countries to provide humanitarian protection. Thus it is less surprising that variation is apparent in the amount of humanitarian protection provided to asylum seekers. The average humanitarian recognition rate is 9%. The standard deviation of 11% indicates substantial variation. Rates range from zero for Austria, Belgium, France and the New World (these destination countries do not provide the option of humanitarian protection[5]) to Finland and Switzerland with rates of 34.6% and 37.3% respectively. Clearly a significant part of the variance in humanitarian recognition rates is explained simply by whether or not a destination country provides humanitarian protection. Still, there is substantial variance amongst the destination countries which offer humanitarian protection, and the discretionary nature of humanitarian protection that leaves recognition rates vulnerable to the

[5] There is an isolated instance of Belgium providing humanitarian protection to 750 persons in 2000 (UNHCR:2002a:125).

influence of the destination country's national interests (the socio-political and economic interests that inform domestic and foreign policy).

The aim of this paper is to develop a better understanding of the basis on which destination countries provide refugee and humanitarian protection to asylum-seekers. This paper builds upon the existing empirical research in three ways. Firstly, it draws on the qualitative literature to develop a clearer picture of each of the factors identified as influential in existing empirical studies, which include: the conditions in the origin countries, the destination countries' asylum-burden, political ideology, openness to outsiders, and economic conditions. New variables are created to measure untested aspects of each factor. Secondly, it includes factors identified in the literature but not yet considered in empirical studies, including: diplomatic relationships, the destination country's need for population replacement, the ten year average refugee recognition rate, domestic refugee legislation and administrative considerations. Each of these factors will be discussed in detail and tested empirically. Finally, it is structured to account for the differing dimensions of recognition rates. Previous empirical research is based on the refugee recognition rates and the combined (refugee and humanitarian) recognition rate. This is the first empirical study to isolate the humanitarian recognition rate from the combined recognition rate. Furthermore, this research distinguishes between origin-specific and global recognition rates. Hence, this investigation offers the broadest study of recognition rates to date.

The findings will reveal that the global recognition rate does not respond positively to conditions in origin countries which are likely to produce refugee outflows. Differences in global recognition rates will be shown to be related to: the destination country's number of asylum applications, neighbours' refugee recognition rates, political ideology, openness to outsiders, diplomatic relationships, economic conditions, administrative capacity; the consequences arising from an incorrect ruling on an asylum claim; and most importantly, the destination country's ten year track record in providing refugee protection. This study will demonstrate that the relationship between the independent variables and the refugee recognition rate is distinct from, and at times inverse to, the relationship between the independent variables and the humanitarian recognition rate. The discretionary nature of humanitarian status makes it particularly susceptible to factors unrelated to merit. The origin-specific recognition rate, particularly the humanitarian recognition rate, will be shown to be more attuned to refugee-generating conditions in origin countries. The inherent difficulty in accurately adjudicating an asylum claim, which can further be hampered by administrative concerns, will be highlighted. In conclusion, the research findings indicate that destination countries are both unwilling and incapable of adequately fulfilling their international obligations, and that this leads to inequitable protection outcomes for asylum-seekers.

2. Methodology and research strategy

The purpose of this section is to: outline the scope of existing empirical studies; advise on the research strategy, including the structure of the literature review and bivariate analysis; present two datasets – the first to analyse the global recognition rate, the second to analyse the origin-specific recognition rate - and explain their construction; address concerns of pooled time-series studies; and finally, to introduce

the dependent variables and discuss their strengths and limitations. However, before proceeding, the terminology used throughout this paper is explained.

Terminology

The proportion of asylum-seekers allowed to remain in destination countries is described in the literature as the 'recognition rate'. The term 'recognition rate' should be used with caution as its meaning and scope can vary. The 'refugee recognition rate' is a standard term used by the UNHCR to refer to the percentage of persons granted refugee status within the provisions of the 1951 Geneva Convention. However, in studies by Neumayer (2004a), Vink and Meijerink (2003), Holzer, Schneider, Widmer (2000a) the scope of the recognition rate includes persons recognised as refugees and those allowed to remain on humanitarian grounds. The recognition rate can refer to the measurement of two different outcomes. The first is the 'global recognition rate', which is the destination country's overall recognition rate for asylum-seekers. The global recognition rate compares the amount of protection destination countries provide and is a valuable measure in comparing recognition rates across destination countries. The second is the 'origin-specific recognition rate' which measures the destination country's recognition rate for different nationalities, and is effective in demonstrating how protection is allocated by destination countries as a whole[6]. To avoid confusion, in this paper the term 'recognition rate' is used when the reference is generic, and is prefixed with 'refugee', 'humanitarian' or 'combined' when the reference is specific. Likewise, the recognition rate is prefixed with 'global' or 'origin-specific' where the context is not immediately apparent.

Existing empirical research

Six empirical studies that investigate recognition rates have been identified. In two of these studies, the origin-specific recognition rate is the dependent variable. Holzer, Schneider and Widmer (2000b) analyse the variance in refugee recognition rates across Swiss cantons (provinces) using variables measuring the demographic composition of the asylum-seekers and the attributes of the cantons. Neumayer (2004b) analyses the determinants of both refugee and combined recognition rates in Western Europe using variables which measure the prevailing conditions in the destination country and the origin country. Vink and Meijerink (2002) explore the relationship between asylum applications and the global combined recognition rates in 15 European states during 1982-2001. Two studies attempting to explain variance in the number of asylum applications consider recognition rates as an independent variable. In research by Holzer, Schneider and Widmer (2000a), the effect of the origin-specific recognition rate and the global recognition rate on the demand for asylum in Switzerland is examined, and similarly Neumayer (2004b) investigates the influence of origin-specific recognition rates and global recognition rates on asylum applications in Western Europe throughout 1980-1999. Lastly, Holzer and Schneider (1997) examine the effects of deterrence measures, including lowering recognition

[6] The origin-specific recognition rate can also be used to compare destination countries' recognition rates for particular nationals. However, as the composition of asylum-seekers varies widely across destination countries, any such analysis will be limited to the few nationals that are well-represented in most destination countries.

rates, in OECD countries between 1980-1995. The outcome of these studies, discussed in detail in the following sections, demonstrates that a range of factors influence recognition rates *inter alia*: the composition of asylum-seekers; the asylum burden; politics, socio-economic factors; and administration. However, the empirical studies provide only a rudimentary discussion of these different factors.

Research strategy

This analysis of recognition rates will integrate the range of factors identified in the broader literature, namely: the composition of asylum-seekers; the asylum burden; politics, economics and society, long standing differences in refugee recognition rates; domestic law, and administration. Each range of factors is analysed in a separate section. The analysis of each range of factors will be conducted in three distinct stages: firstly, the literature will be discussed; secondly, indicators representing these factors will be operationalised into variables; thirdly, the findings will be presented and discussed.

Research design

This research will explore the differing dimensions of recognition rates: the refugee recognition rate, humanitarian recognition rate and combined recognition rate. Two separate datasets have been constructed: one for the global recognition rate and one for the origin-specific recognition rate. The origin-specific recognition rate is calculated for the top-ten[7] origin countries of asylum-seekers in 17 destination countries. Data on origin-specific recognition rates is not available for Italy, Japan, Luxembourg or Portugal. As origin-specific recognition rates for Austria do not include initial decisions, these are not considered comparable and have been omitted. The rationale for limiting the origin-specific analysis to the top-ten is that this captures the overwhelming majority of asylum-seekers, and recognition rates become meaningless when there are only a few applicants – for instance, it would be misleading to report a nil recognition rate for Congo if there were only three applicants. Research by Neumayer (2004b, 2004b) and Holzer, Schneider and Widmer (2000b), is weakened by the inclusion of similar data.

Determining cross-national variance and developments over time is problematic where there is a small sample size, as it is difficult to test a wide range of theories, and results are unlikely to reach statistically-significant levels. To overcome this problem, political scientists tend to use pooled time-series data analysis. This technique is used in all of the empirical studies of recognition rates. (Kittel:1999) For instance, in research by Neumayer (2004b) each destination country is counted approximately 643 times (over a twenty year period and for each asylum-seeker's origin country), when technically 642 of these cases cannot be considered to be independent. This technique may either average out differences, or artificially inflate the level of statistical significance (Kittel:1999). Furthermore, although the yearly data does change, Neumayer (2004b) is comparing origin-specific recognition rates against static

[7] Denmark and Sweden's data is based on the top-nine as *Palestinians (8th-Denmark) and Stateless (6th-Sweden) have been omitted as the origin countries are not known.
*A high proportion of Palestinians have lived in countries neighbouring Israel for generations.

destination country data. As a preliminary scoping exercise, this study is limited to a bivariate cross-section analysis of 2002 data. While the global recognition rate dataset is not plagued by any of the problems arising in pooled time-series studies, the origin country dataset does pool data for the destination country's top-ten origin countries. However, no correlations are presented between origin-specific recognition rates and independent variables that do not vary for each of a destination country's top-ten origin countries. The weakness in this research is that, as a bivariate analysis, other factors known or surmised to influence recognition rates are not isolated.

The relationship between origin-specific variables and the global recognition rate is measured by weighted averages, for example, the average level of political terror present in German asylum-seekers' origin countries. A further benefit of using weighted averages is that these are available for all 22 of the destination countries as they do not require knowledge of origin-specific recognition rates.

It is clear from the global recognition rates presented in figure 1 that North American refugee recognition rates are significantly higher than other destination countries. Europe can also be viewed as a separate case due to attempts to harmonise asylum policies across the European Union. These regional effects have the potential to distort findings. Therefore, all correlations will be calculated for 1) all countries, 2) all countries excluding North America, and 3) Europe only.

The dependent variable: the recognition rate – refugee, humanitarian and combined

The key dependent variable in this research is the refugee recognition rate. As the definition of 'refugee' is set out in international law, the refugee recognition rate is measuring much the same phenomenon in each destination country. As well as providing a relatively reliable measure, the 1951 Geneva Convention is the single most important instrument in providing protection internationally. The humanitarian and combined recognition rate will be included as secondary dependent variables as each are important in their own right, but have considerable limitations.

It is questionable whether humanitarian recognition rates should be analysed in cross-national studies. The requirements for awarding humanitarian status are outlined in domestic law and policy and destination countries may offer temporary or permanent protection (or both). Humanitarian status may be provided *in addition to* refugee status, but the extent of this generosity will vary. For example, in Switzerland's liberal interpretation, humanitarian status may be awarded in the case of serious hardship, which includes asylum-seekers' social and economic well-being (Kalin:1994), whereas Sweden's humanitarian status protects 'de-facto' refugees, conscientious objectors to inter-state war, and persons who have escaped war or war-like conditions (Abiri:2000). Humanitarian status may be accorded *instead of* refugee status. For example the Dutch developed a temporary protection status (F status) to circumvent the asylum process during mass influxes of asylum-seekers from particular countries, such as Somalia, Iraq, Afghanistan and Rwanda (van Selm:2000:77), with a view to providing access to permanent protection. Other destination countries, including Sweden and the United Kingdom, have "chosen to use it [humanitarian status] as a means of further hollowing out the 1951 Convention" (Schuster:2000:125), while in Germany *Duldung* has been seen as a political instrument to reduce the number of refugees (van Selm 2000:77). Humanitarian

status may be preferred by destination countries as it confers less rights than refugee status, and may reduce financial, political and social costs (Noll:1999). While acknowledging that humanitarian recognition rates are not readily comparable, yet due to the important role of humanitarian status in the provision of protection to those in need, the humanitarian recognition rate is considered to be an important aspect of this analysis.

Vink and Meijerink (2003:304) view the combined recognition rate as "an indicator for the generosity of domestic asylum policies". However, if the concerns raised above about Germany are legitimate, humanitarian status may actually indicate a *lack* of generosity in domestic asylum policies indeed there is a strong, statistically-significant negative relationship between refugee and humanitarian recognition rates, which makes it entirely possible that their relationships with independent variables will be different. This has clear implications for the validity of the combined recognition rate as a dependent variable. Any study wishing to include the combined recognition rate as a dependent variable must also consider the humanitarian recognition rate separately. In this analysis, the combined recognition rate is only deemed to be important in instances where considering both statuses together provides a stronger correlation than considering each individually.

Calculating the recognition rate

The recognition rate that is used in comparative research is the proportion of successful decisions, not the number of successful applications, in a given time period. Calculating the true recognition rate is problematic as a significant number of asylum applications are not decided in the same year in which they are lodged. (UNHCR:2002a:58) The recognition rate does have limitations. In a number of destination countries 'manifestly-unfounded claims' are dismissed without a full hearing. The UNHCR recommends that decisions made without a full hearing should be excluded from recognition rate calculations. While there is no clear information about national practices, Canada and Belgium are cited as examples of destination countries with an expedited process for manifestly-unfounded claims, and the United Kingdom is provided as an example of a destination country that provides full hearings. (Hovy:2001:3) It appears evident that destination countries with expedited procedures for manifestly-unfounded claims will have higher recognition rates than those destination countries which provide a full hearing for all cases. The fact that Canada and Belgium have high recognition rates provides an immediate answer to the disparity in recognition rates. However, "many" European states have adopted expedited procedures for manifestly-unfounded claims (Commission of European Communities:2001:25), but European rates are significantly lower than Canada's. In addition, although global recognition rates are available for both initial and review decisions, origin-specific recognition rates include review decisions in some destination countries, while others detail the initial or review decisions only[8]. It is likely that recognition rates for initial decisions will differ from those at review. Despite these limitations the UNHCR (2002a:58) considers that the recognition rate "offers the best opportunity for comparing national practice". Refugee, humanitarian

[8] As demonstrated in the presentation of data in UNHCR (2003a)

and combined recognition rates for 2002 have been taken from UNHCR (2003a)[9] data.

Correlations

The strength of the relationships between the three dependent variables and the independent variables is measured by Pearson's r. Correlations for the global recognition rate dataset are presented in Appendix A and the origin-specific dataset is presented in Appendix B. The relationships will be discussed in detail in the following sections.

3. Composition of the ayslum population

This section seeks to determine whether recognition rates are related to the prevailing conditions in origin countries, and the demographic composition of a destination country's asylum-seekers.

LITERATURE REVIEW

It appears self-evident that asylum-seekers presenting claims with greater merit should have higher recognition rates than those with less compelling claims. Unfortunately, there is no comparative statistical data that captures the background and claims of each applicant, thus the effect of individual merit on recognition rates cannot be measured.

Conditions in the origin country

It is possible to gauge the overall merit of particular nationals relative to other nationals by taking into consideration the conditions in their origin countries. It is reasonable to expect that countries where human rights abuses are rife, political and civil freedoms are few, and where civil or interstate war is ongoing, are likely to produce asylum-seekers with greater merit than countries with a greater respect for human rights and which are free from conflict. For example, one would expect asylum-seekers from Sudan to have higher recognition rates than those from Costa Rica. Furthermore, asylum-seekers "from certain countries are treated as genuine refugees because the situation in their origin country does not allow for return" (Crawley:1999:3.69). Given the importance of the conditions in the origin country, it is not surprising that it is found to be significant in Neumayer's (2004b) research. Neumayer (2004b) analyses a number of variables representing the human rights and economic situation in origin countries and finds the refugee and combined recognition rates are positively associated with poor political and civil rights, human rights violations, inter-state war, and genocide and 'politicide' (where the target group is defined by their political affiliation). Surprisingly, the issue of threats to personal security as a result of state failure is not found to be significant in Neumayer's

[9] Global recognition rates are taken from Table 5; Origin specific recognition rates are taken from Table 7. The humanitarian recognition rate is calculated by subtracting refugee rate from the 'total' (combined recognition rate). Data on New Zealand's origin-specific recognition rate is from New Zealand Immigration Service (2004) 'Refugee status claims by nationality and financial year'.

(2004b) research. The level of economic discrimination is not significant either, although this may simply reflect the fact that the benchmark for refugee recognition is persecution, which is more severe than discrimination. It is perhaps less surprising that GDP and unemployment are not significant as the economic circumstances do not cause 'refugee' flight per-se, although they may be a contributing factor in the decision to flee. While Neumayer's human rights variables are a strong indicator of the conditions that are likely to generate refugee flows, they may not provide a comprehensive explanation, for example, Apodaca's (1998:88) review of the Political Terror Scale concludes that "increases of human rights violations prove to be an important but not sufficient cause of refugee flight". As human rights violations alone cannot explain refugee flight, indicators of the general conditions, such as economics, should not be disregarded, even though they have not been found to be significant in Neumayer's (2004b) work. Moreover, this highlights the need for an indicator which encompasses the multifaceted rationale behind refugee flight.

Demographic factors

Holzer, Schneider and Widmer (2000b) explore the effect of demographic factors on recognition rates using four variables - origin country, age, sex, and marital status - and conclude that asylum-seekers from the former Yugoslavia and Turkey were more likely to be recognised than those from Sri Lanka, Lebanon, Pakistan, Somalia, or Romania. This concurs with Neumayer's (2004b) findings that the origin country has a significant impact. However, as the study does not consider the prevailing conditions in the origin country at the time of decision, it is not known whether a preference towards Yugoslav and Turkish asylum-seekers is merited. Holzer, Schneider and Widmer (2000b:260) propose that although "the typical refugee is a young single male", this profile matches the perception of an economic migrant and therefore they will have a lesser likelihood of recognition than asylum-seekers who are married and/or female. Age is not found to be a significant factor. It is concluded that the females are five times more likely to be recognised than males, and married asylum-seekers are twice as likely to be recognised as single asylum-seekers. Holzer, Schneider and Widmer's (2000b:260) rationale behind this bias is that, for women, "the gender discrimination should theoretically increase the threshold to leave the country of origin" and because "married people have to coordinate flight with one other person". However, even if women have strong reasons for fleeing, they are also less able to due to economic and social constraints. If women are able to leave, they are generally not considered to have a 'political identity', thus may find it harder to have their claims accepted (Crawley:1999:3.74). Moreover, men are more likely to have the social and economic resources to leave, and this holds true for those departing for economic reasons and those fleeing from human rights abuses. Holzer, Schneider and Widmer (2000b:266) describe the disparity in recognition rates as "discriminatory", without giving any consideration to whether the disparity may be justified. Given "there can be little doubt that a significant number of economic migrants take the 'asylum route'" (Thielemann:2002:2), and that economic migrants are more likely to be men, the prejudice in recognition rates between men and women may simply arise from the number of single young men seeking asylum to secure a better life in the West with claims that have little humanitarian merit or are falsified. In summary, while the impact of demographics is interesting, it should not be employed as a valid measure of the merit of the destination country's asylum-seekers.

OPERATIONALISATION OF VARIABLES

Human rights measures have been taken from the same sources as Neumayer's (2004b) research. Political rights and civil liberties are rated on an ordinal scale between 1: most free and 7: least free (Freedom House:2002). Neumayer (2004b:13) aggregates both scores to construct a variable 'autocracy', but by combining both indexes, it is not known whether political rights (the extent of democracy) or civil rights (civic and religious freedoms, legal and State protection) are more influential. The absence of political rights is likely to limit persecution or discrimination to persons involved, or suspected of being involved, in influencing the political process, whereas a lack of civil rights has the capacity to affect the entire population. Therefore, it could be assumed that civil rights would have a greater impact on recognition rates than political rights. In this analysis, political rights and civil liberties will be separate variables. To gauge the level of political terror, the ranking on the Purdue Political Terror Scales awarded by Amnesty International and the US Department of State is averaged. This dataset is compiled by Gibney (2004). Neumayer's (2004) measure 'domestic war/state failure' is a composite measure of threats to personal security as a result of civil and ethnic war. The three dimensions will be considered separately in this research - revolutionary wars: violent conflict between political challengers and the government; ethnic wars: violent conflict between minorities (national, ethnic, religious or other) in an attempt to improve their status; and adverse regime changes: unfavourable changes in the style of governance. Ratings reflect magnitude (0: low, 4: high). Revolutionary and ethnic war scores reflect the magnitude of the number of combatants or activists, fatalities, and the portion of country affected by fighting. Adverse regime change reflects the magnitude of government failure, the collapse of democratic rule and level of violence. Data on the three variables is taken from the State Failure Task Force. In genocide and politicide the authorities (including the contending authorities in civil war) exterminate members of a target group in response to a perceived threat to their rule or interests. The magnitude is determined by the number of fatalities (0: 300 deaths, 4: more than 256,000 deaths). This data is also from the State Failure Taskforce. (Marshall, Gurr and Harff:2004) The extent of interstate armed conflict in 2002 is from Gleditsch et al (2004). Conflicts are graded as minor (1), intermediate (2) and war (3) depending on the number of deaths in the given year, and the duration of the conflict (Strand, Wilhelmsen, Gleditsch:2004).

The indicators above encapsulate human rights abuses, but may not adequately account for the reasons refugees flee. Life expectancy and GDP have been included to measure more general conditions in the country. Data is taken from Freedom House (2002). Life expectancy may capture aspects of poverty, war and inequitable resource distribution and poor government services such as health care and education, while GDP may reflect economic opportunities, employment and the general level of wealth. To account for other conditions in origin countries that generate outflows of refugees, the author has created the variable 'refugee-generating country'. This variable measures the number of refugees each origin country produced during 2002 (the majority of these refugees would be resident in neighbouring countries in the developing world). For example, in 2002 Iraq generated 580,000 refugees worldwide, whereas Mali only generated 370. It can then be concluded that 'persecution' is far more common in Iraq than in Mali. Hence, asylum-seekers from Iraq are more likely to have claims with merit than asylum-seekers from Mali. There are three caveats. Firstly, the numbers of refugees may be distorted as figures for refugees based in

camps and settlements are generally inflated (see Crisp:1999; and Kibreab:2004 for elaboration). Still, the number of refugees origin countries generate varies extensively, and this indicator will reveal these differences. Secondly, this measure does not take into account people facing persecution who have fled to areas within their own country. And finally, this measure does not account for the economic differences amongst origin-countries. In origin countries with a higher GDP, more persons facing persecution will have the resources to flee than in poorer origin countries.

FINDINGS

Human rights and economic conditions in origin countries appear to have very little impact on destination countries' global recognition rates. The relationships that are present are contrary to expectation. The level of political terror is the only statistically-significant relationship across all three datasets (all, excluding North America, and Europe). High average levels of political terror in origin countries correspond with low humanitarian recognition rates. Interstate war is also negatively related to humanitarian recognition rates in all three datasets, although the results do not quite reach statistically-significant levels. The presence of interstate war is positively related to refugee recognition rates in the 'all' dataset, but this relationship disappears once North America is removed from the analysis. The only incidence of interstate war during 2002 was between India and Pakistan. It may, therefore, simply be coincidental that Canada has the highest refugee recognition rate and its top-ten origin countries include Pakistan (1^{st}) and India (7^{th}), and that the United States has the second highest refugee recognition rate and its 5^{th} ranking origin country is India.

The relationships between human rights-related indicators and the origin-specific recognition rate are considerably different to their relationships with the global recognition rate. There is a statistically-significant positive correlation with:

- political terror and refugee, humanitarian and combined refugee recognition rates;
- ethnic war and humanitarian, combined and European refugee recognition rates;
- adverse regime change and humanitarian and combined recognition rates (the European humanitarian rate is not quite statistically-significant: .059);
- revolutionary war and humanitarian recognition rates (except in Europe where there is only a weak correlation);
- political rights and humanitarian and combined recognition rates (a weak correlation between refugee recognition rates for 'Europe' and 'excluding North America');
- civil rights and refugee (except in the 'all' dataset), humanitarian, and combined recognition rates; and
- the number of refugees generated and humanitarian and combined recognition rates.

No relationship is found between inter-state war and recognition rates. A statistically-significant, negative relationship is found between life expectancy and humanitarian, combined, and European refugee recognition rates. A statistically-significant, negative relationship is also found between GPD and humanitarian and combined recognition rates.

Destination countries' global humanitarian recognition rates do not respond favourably to the conditions in origin countries. In fact, recognition rates are lower where the destination country's asylum-seekers emanate from origin countries experiencing high levels of political terror. As origin country indicators have been averaged, this does not signify that asylum-seekers fleeing from these particular conditions had a lesser chance of being awarded humanitarian status, but that their presence drove down the overall amount of humanitarian protection provided by destination countries, possibly in an attempt to contain asylum numbers and associated costs. In fact, asylum-seekers from origin countries with poor human rights were more likely to be allocated the available protection.

As the origin-specific recognition rate explains how destination countries allocate protection as a whole, a strong and positive relationship would be expected with indicators associated with human rights. By and large, the findings verify this expectation. Notably, it is the humanitarian recognition rate, not the refugee recognition rate, which shares the strongest relationship with human rights-related indicators. The findings are generally consistent with Neumayer (2004b). Genocide/politicide and interstate war are not found to be significant in this study, however this is likely to have arisen because of the limited incidence of inter-state war (India-Pakistan) and genocide/politicide (Angola) during the period of the study. While Neumayer (2004) does not find the extent of state failure to be important, this study finds state failure to be significant, both as a composite score, and when ethnic war, revolutionary war or adverse regime change are considered separately. As predicted, civil rights have a stronger impact than political rights on all recognition rates. Contrary to Neumayer's findings, asylum-seekers from poorer origin countries are likely to have higher humanitarian and combined recognition rates. The two new variables 'number of refugees generated' and 'life expectancy' are both significant. Refugee generating origin countries are more likely to produce asylum-seekers that are awarded with humanitarian status (and combined status). Asylum-seekers from origin countries with a low life expectancy are more likely to be given refugee or humanitarian status.

The fact that conditions in origin countries have a greater bearing on origin-specific humanitarian recognition rates, when compared with origin-specific refugee recognition rates, may appear disconcerting. However, as humanitarian status is often awarded because of the more general conditions in the origin country, and 'persecution', as required by the refugee definition, must be demonstrated individually, the merit of the individual claim (which cannot be measured empirically) is less important in the decision to award humanitarian status.

Returning to the initial research questions posed at the beginning of this section: the demographic composition of the asylum population has been reviewed and considered not to be an important factor; the prevailing conditions in origin countries have been shown to be closely related to the origin-specific recognition rate, yet share a weak and inverse relationship with global recognition rates. This indicates that the origin-

specific recognition rate is broadly based on merit, whereas the global recognition rate is unreceptive to conditions in origin countries that are likely to generate refugee outflows.

4 The asylum burden

This section seeks to determine whether recognition rates are related to short and long-term changes in the number of asylum applications, and the refugee recognition rate of neighbouring countries.

LITERATURE REVIEW

The rise in asylum applications over the past two and a half decades has been linked to globalisation, increased communication and transport links, and the north-south divide (Jordan and Duvell:1993; Rasmussen:1996). Reducing the number of asylum-seekers is one strategy to "manage the costs of protection systems - be they fiscal, social or political" (Noll:1999:101). Since the eighties, when applications began to rise, destination countries have adopted a range of policies to restrict access to asylum systems. Asylum-seekers that have travelled through a 'safe country' are ineligible, and destination countries have restricted access to asylum procedures for persons from a 'safe country of origin', and by expanding and retracting their borders (Gibney and Hansen:2002:8). Destination countries police outside their sovereign borders by: delegating immigration checks to agencies transporting people, such as airlines, and fining them if they carry inappropriately documented people; imposing visa requirements; and stationing immigration officials at major transit hubs en-route to the West to carry out pre-boarding inspections. Destination countries may also shrink their borders to prevent asylum-seekers accessing their legal systems. For example, Switzerland, France, Germany and Spain have all declared parts of their airports 'international zones', and Australia has designated three of its external territories exempt for migration (including asylum) purposes. The United States and Australia have intercepted vessels carrying asylum-seekers and have arranged for their claims to be processed outside of their sovereign territory (Gibney and Hansen:2002:16); similarly the United Kingdom, and subsequently Germany and Italy, proposed to the European Commission that Regional Processing Centres be established outside of the European Union (Commission of the European Communities:2003:4; EU chiefs to discuss asylum camps:2004).

In a global environment, deterrence strategies can only be effective in reducing a destination country's asylum applications while asylum-seekers have the alternative of seeking asylum in a country with less stringent deterrent measures. Once the range of available deterrence measures is implemented across destination countries, which is increasingly the case, they will be ineffective. (Thielemann:2002:21) The convergence in deterrence measures is likely to be the reason these measures have "produced only limited effects or failed to have any effect at all" (Böcker and Havinga:1998:264).

Hassan (2000:184) asserts that the purpose of deterrence strategies is to: "reduce the number of asylum claims overall, regardless of their validity; to save the government money; to criminalize migrants and discourage their permanent settlement; and finally (and perhaps most importantly), to convince the electorate that the government is

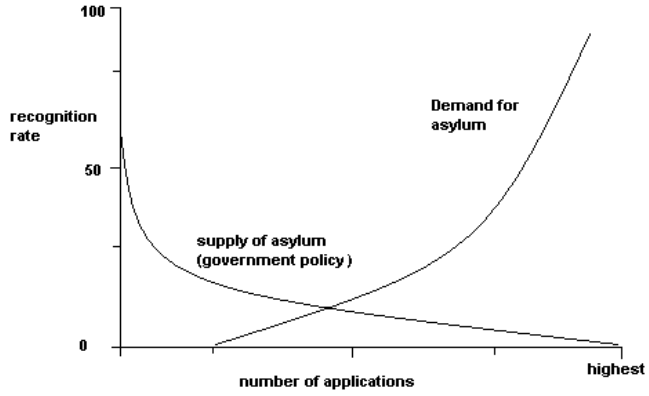
dealing 'effectively' with the refugee problem". If ethics and morality have been swept aside in the attempt to deal with the asylum burden, is it possible that lowering the recognition rate has been implemented as a deterrence strategy? This is certainly the view of the British High Court Judge, Justice Taylor: "While I am conscious of the administrative problem of numbers seeking asylum, it cannot be right to adopt artificial and inhuman criteria in an attempt to solve it" (as quoted in Asylum Aid:1999:8).

Asylum applications

The causal relationship between recognition rates and the number of asylum applications is complex. The number of applications may be dependent on the recognition rate as the increased likelihood of recognition is a pull factor for asylum-seekers, and low recognition rates act as a deterrent (Robinson and Segrott:2002; Böcker and Havinga:1997). Conversely, it has been suggested that recognition rates are dependent on the number of applications – as applications increase, the destination country introduces asylum policies as a deterrence strategy to lower the recognition rate (Holzer and Schneider:1997:5). If this is correct, the relationship between the two variables could be seen as one of supply and demand.

If destination countries are freed from international obligations, and asylum-seekers are able to gain access to territory, then recognition rates would be a function of the units of asylum the government is willing to supply, and the number of people wishing to secure asylum. The author has expressed this diagrammatically in a simple supply and demand curve in figure B[10].

Figure B: Refugee recognition rates & asylum applications



Whether the relationship between the variables is negative or positive will depend on whether the influence of government policy is stronger or weaker than the demand for asylum. Empirical research confirms the demand sided relationship. Neumayer (2004a:164) finds that higher origin-specific recognition rates and global recognition rates in the previous year lead to a higher share of origin-specific asylum-seekers the following year. This is confirmed by Holzer and Schneider (1997:20), who calculated that a one percent decrease (increase) in the recognition rate causes a decrease (increase) of 70 applications. Vink and Meijerink conclude that there is a statistically-significant positive relationship between the variables, with each accounting for 55 percent of the variance in the other, although the relationship was neither significant in Belgium or Germany, which experienced

[10] As recognition is not the only benefit an asylum-seeker gains from their time in the destination country, there is demand for asylum when the recognition rate is zero.

high applications and low recognition rates, nor in Greece, Italy and Finland, which had low application rates and high recognition rates (2003:308). Holzer, Schneider and Widmer (1997:21) find a negative relationship between the variables, but this is not statistically-significant. It may be that the supply-side relationship is more influential in Greece, Italy, Finland, Belgium and Germany.

It is clear that destination countries have used various deterrence measures to reduce applications, and empirical evidence demonstrates that applications do decrease as a result of lowering recognition rates, but is there any empirical evidence to link domestic asylum policy to lower recognition rates? Vink and Meijerink (2003:310) find a negative correlation between recognition rates and applications over time, indicating that when the asylum burden increases, destination countries "redefin[e] their laws, which have the potential to bring about a decrease in recognition rates". Neumayer (2004b:12) also attempts to isolate whether "high numbers of asylum applications prompt destination countries to resort to lower recognition rates" by examining average application rates (per-capita) over the past two to five years for both global and origin-specific recognition rates, but does not find any significant effect.

Neumayer (2004b:19) finds that where there have been a significant number of asylum-seekers from an origin country, the origin-specific recognition rate is lower. While this may also be a result of government intervention to stem the flow of asylum-seekers by artificially lowering the recognition rate, there is an alternative explanation. It seems reasonable to assume that the first wave of asylum-seekers fleeing a country with increasing human rights violations are those facing the gravest danger. Over time, asylum-seekers from a country are less likely to present claims with merit than their predecessors, particularly as asylum-seekers in the destination country form part of the 'migrant network' that feeds "knowledge about routes and means of travel, about means of entry about ways of funding accommodation, welfare and work, and about how to adapt to new environments" (Van Hear:1998:59-60). As the migrant network reduces the risks involved in accessing the destination country and offers levels of support on arrival, family and close friends may pose as refugees as a way to gain residence in the West. This is particularly true of asylum-seekers arriving a number of years after the major crisis within the origin country[11].

Recognition rates of neighbouring destination countries

As deterrence strategies increasingly lose effectiveness and high recognition rates act as a pull factor to asylum-seekers, lowering the recognition rates may be the only tool left for governments wishing to contain asylum numbers. The desire to deflect asylum-seekers provides the destination country with an incentive to reduce its recognition rate to a level lower than, or similar to, that of its neighbours, particularly as destination countries fear being regarded by 'asylum-shoppers' as a 'soft touch' (Thielemann:2002:4). Destination countries are likely to react to changes in the recognition rates of their direct neighbours amid fears that the lowering of recognition rates could result in an influx of asylum-seekers across territorial borders.

[11] Refugee Status Determination and Special Humanitarian Program interviews conducted by the author at the Australian Embassy, Cairo and UNHCR Office, Khartoum between August 2001- August 2003

Furthermore, the introduction of harsher interpretations of refugee and humanitarian criteria may be more palatable to a destination country if these have been adopted by neighbouring countries, as these then become easier to justify to the public and the international community. Support for this theory can be drawn from Holzer and Schneider's (1997:11) research, which provides evidence of a downward convergence in recognition rates across OECD countries.

OPERATIONALISATION OF VARIABLES

The current asylum burden is represented by the change in the number of asylum applications (total and origin-specific) received in 2001 and 2002, both net and per-capita. Data is sourced from the UNHCR (2002b, 2003a)[12]. The long-term change in the asylum burden is illustrated by comparing the number of applications lodged in 2002, to the total number of asylum applications lodged in the preceding ten year period. Calculations based on UNHCR (2002a:138) data. To gauge the effect of recognition rates in neighbouring countries, the recognition rate of the destination country's neighbours has been averaged by the author (data from UNHCR:2003a). Neighbouring countries that are not 'destination countries' have been excluded from this calculation as asylum-seekers display a preference towards highly-industrialised countries.

FINDINGS

Destination countries that received increasing numbers of applications between 2001 and 2002 have a statistically-significantly higher humanitarian recognition rates, and a weak negative relationship with refugee recognition rates. This relationship also holds over a longer period of time - destination countries receiving a high number of applications in 2002 in comparison to the number of applications received in the previous ten years have higher humanitarian recognition rates and lower, although not statistically-significant, refugee recognition rates. The recognition rates of neighbouring countries are positively associated with refugee recognition rates (although only statistically-significant in the 'all' dataset) and negatively associated with humanitarian recognition rates. Unlike Neumayer's (2004b) findings, the change in the number of origin-specific applications between 2001 and 2002 is not found to have any impact on origin-specific recognition rates.

Although not reaching statistically-significant levels, the relationship between global refugee recognition rates and asylum applications should not be underestimated. The existence of the negative relationship in all three datasets indicates that the positive relationship (demand-side) that exists between application rates and recognition rates has been nullified by government policy interventions to reduce refugee recognition rates as a means of controlling application rates. It is likely that the supply-side relationship is more influential as deterrence strategies have become increasingly ineffective in recent years. The statistically-significant positive relationship between humanitarian recognition rates and asylum applications suggests that government control over the supply of asylum is achieved by extending humanitarian status, often only affording a temporary right of abode, as the preferred means of protection. Control over the supply of asylum may also explain why there appears to be a

[12] (2003) Global applications taken from Table 5; Origin-specific applications taken from Table 7. (2002) Global applications taken from Table 15; Origin-specific applications taken from Table 17.

'keeping up with the Joneses' effect, as each destination country aligns its refugee recognition rates closely to that of its neighbours.

In conclusion, the results support assertions by various authors that refugee recognition rates are being used as a deterrence strategy to restrict the inflow of asylum-seekers. This clearly demonstrates that the international obligations of destination countries are compromised by national interests.

5. Politics, society and the economy

This section seeks to determine whether recognition rates are related to the destination countries' political ideology, openness to outsiders, diplomatic relationships with origin countries, economic conditions and the need for population replacement.

LITERATURE REVIEW

Political ideology

Asylum is one of the most debated topics in the political arena. In recent times, elections have been won and lost over the asylum issue (Gibney and Hansen:2002; Crisp:2003). Right wing parties pledging to 'get tough' on asylum have gained popular appeal. For example, Australian Prime Minister John Howard's 2001 re-election victory is attributed to a hard-line strategy, ominously dubbed 'the Pacific solution', that prevented over two and a half thousand Afghani and Iraqi asylum-seekers from landing in Australia (Marr and Wilkinson:2003). Anti-asylum sentiment has become so inextricably linked with the electoral success of parties that the UK Conservative Party's election platform is to abolish the right to seek asylum in the UK by withdrawing from the 1951 Geneva Convention (Howard:2004). Therefore, it is surprising that neither Holzer and Schneider (1997), nor Neumayer (2004b) have found a relationship between the ideological orientation of a government and recognition rates. Holzer and Schneider (1997:21) suggest this may not be because politics does not matter, but because the "asylum domain is more subtle than we can show in a macro-quantitative framework". It is also possible that the effects cannot be measured over such a short time period. Castles (2004:104) suggests that effects of partisanship on government policy "may go beyond the immediate impacts of a party holding the reins of government for a given period of years".

Openness to outsiders

It seems reasonable to expect that societies which are more open to outsiders will have more liberal asylum policies. This relationship is confirmed by Holzer, Schneider and Widmer (2000b), but is not established in Neumayer's (2004) research. The differing results can be explained by the three different measures employed to gauge the destination country's openness to outsiders: the foreign population, attitudes towards asylum-seekers, and multicultural policy.

The foreign population. Holzer, Schneider and Widmer (2000b) hypothesise that multicultural cantons are more likely to be tolerant towards asylum-seekers than

cantons that are more homogeneous, but find that the share of the foreign population residing in each canton is negatively associated with recognition rates. Holzer and Schneider (1997) did not find any relationship. There are limitations with simply measuring the proportion of foreigners. Firstly, this statistic does not account for the change in the composition of the population. People are adverse to change. If multiculturalism is a characteristic of society, and the ratio has remained relatively stable, anti-foreigner sentiment is likely to be less intense than in societies with the same proportion of foreigners, but which have undergone a radical transformation from homogenous society to multicultural society. Secondly, foreigners that are 'ethnically distinct' are more likely to erode a society's sense of social solidarity (Soroka, Banting and Johnston:2003) than those from countries with a similar cultural heritage. Foreigners with a distinct cultural heritage may be seen as a threat to the host society, and this attitude is prevalent in the West's widespread concern regarding immigrants and asylum-seekers from Arab and Muslim countries. Joly (1996:42) believes anti-Muslim sentiment is responsible for restrictions on the admission of refugees from former Yugoslavia. If anti-Muslim sentiment is influential, certainly its effects will have intensified since September 11, 2001. Crisp (2003:8) speculates these concerns emanate from the fact that young Muslim men "are associated in the public mind with radical Islam and political violence". It could therefore be proposed that governments may appease their electorates by implementing policies and procedures that make it more difficult for Islamic asylum-seekers to access protection. Thirdly, it does not reflect the characteristics of the new arrival. Skilled migrants and the foreign spouses of citizens arriving legally under migration programs are likely to receive a warmer welcome than asylum-seekers, who are largely viewed as uninvited and unwelcome guests. Therefore, a further indicator of a destination country's openness to outsiders could be the existence of a planned migration program. Castles and Miller (1993) conclude that countries with planned migration programs are more likely to have favourable attitudes towards immigration, as the public are given the opportunity to contribute to the discussion on how much immigration they find acceptable. Destination countries operating formal resettlement programs (in which refugees and persons in humanitarian need are transported to the destination country and given permanent residency) display respect for universalist ideals. Therefore, it is possible that destination countries with resettlement programs are less influenced by domestic considerations than destination countries which do not provide resettlement opportunities.

Attitudes towards asylum-seekers. Specifically measuring anti-asylum sentiment is difficult. Holzer, Schneider and Widmer (2000b) captured anti-asylum attitudes in Switzerland by measuring the proportion of 'no' votes in a referendum for the introduction of a restrictive asylum law. The higher the share of 'no' votes, the lower the recognition rate. While this does indicate that the public attitude towards asylum-seekers is influential, this measure cannot be employed in an analysis of cross-national variance as it is country-specific.

Multiculturalism. Neumayer (2004b) has used the variables 'left-wing parties' and 'right-wing populist parties' as indicators of parliaments' disposition towards asylum-seekers, as previous research indicated left-wing parties are associated with positive references to underprivileged minority groups while right-wing parties are associated with negative references to multiculturalism. However, the validity of this measure is poor - the correlations are weak, the left's concern for minorities may not necessarily

extend to asylum-seekers (Neumayer:2004b:11). Furthermore, the implementation of multicultural policies is likely to occur over a longer time frame and may be less influenced by changes in government than is assumed by Neumayer (2004b). For example, Canada's implementation of multicultural policies commenced in the seventies and support for these policies has fluctuated little in the intervening years despite changes in government (Banting and Kymlicka:2003:33).

Indicators are required that are better able to capture the composition and change in the foreign population, cross-national attitudes towards asylum-seekers, and the adoption of multicultural policies.

Diplomatic relationships

The destination country's relationship with the origin country influences refugee policy. Where there is a hostile relationship between the countries, asylum-seekers are likely to receive favourable treatment. This was particularly apparent during the cold war era where persons fleeing communist regimes were accepted automatically (Joly:1996; Steinbock:1999). Furthermore, the welcoming of asylum-seekers can be used as a foreign policy tool to damage the reputation of the regime in the origin country. Where the relationship between the countries is cordial, "it is likely to prove difficult for refugees to obtain admission and recognition as this could undermine relations by constituting public criticism of the regime" (Joly:1996:28-29). Despite the hypothesised relationship, the impact of diplomacy on recognition rates has not been explored in empirical research.

Economic conditions

The prevailing economic conditions influence the attitude of the government and the public towards asylum-seekers (Joly:1996:21). During times of perceived domestic hardship, governments may be unwilling to provide the requisite funding to process asylum claims, social security, housing and settlement related services. Thus it is possible that harsher interpretations of the refugee definition or less generous humanitarian policies may be implemented to contain spending. However, Holzer and Schneider (1997:33) fail to find any evidence that economic growth, unemployment or inflation affect recognition rates. Neumayer (2004b:19) does not find any relationship with economic growth either, but finds refugee recognition rates to be lower during times of high unemployment. In times of economic hardship immigrants and asylum-seekers become the public's scapegoat and may be demonised for either 'taking our jobs', or 'living off benefits'. These perceptions have political implications if the electorate believes the government is failing to protect their interests. Reducing the recognition rate, and thus the number of asylum-seekers allowed to remain, is one possible means of addressing public concern. Neumayer (2004b:19) finds that destination countries with a higher income (GDP) tend to have lower refugee and humanitarian recognition rates. A possible explanation for this outcome is that, as wealthier destination countries attract more asylum-seekers (Neumayer:2004a; Thiemann:2002), they may implement policies which lower their recognition rate to dampen demand for asylum.

The need for population replacement

Eberstadt (2001) forecasts a population implosion in destination countries characterised by sub-replacement fertility rates and global aging that will require 'replacement migration' strategies. Eberstadt (2001) estimates that Europe will have to quadruple the number of immigrants to stop the decline, while CSIS (2002) warn that the "global economy faces a transition of unprecedented dimensions caused by rising old-age dependency and shrinking or slow-growing working-age populations among the world's largest economic powers". If destination countries are to minimise the impact of the population implosion then their working populations need to be expanded, and immigration is the only realistic means of achieving this (OECD:2000). Therefore, destination countries with a greater need for replacement migration may employ more liberal asylum policies.

OPERATIONALISATION OF VARIABLES

Political ideology

As the political ideology of the current government has no discernable effect on recognition rates, the longer term impact will be considered in this study. The variable 'left legacy' is the percentage of left-wing seats in parliament during 1950-1998. Data sourced from Castles (2004).

Openness to outsiders

The foreign population is a measure of migrant stock as a percentage of population (calculated in 2000). The change in migrant stock between 1990 and 2000 measures the long-term effect. Data is sourced from the United Nations (2002). The number of non-Western immigrants per 1000 inhabitants isolates the impact of the foreign population that are 'ethnically distinct'. Data from Grieco and Hamilton (2004)[13]. The 2000 percentage of refugees (including those with humanitarian status) as total migrant stock measures the impact of the migrant-refugee ratio. The change in the number of people with refugee or humanitarian status is measured between 1990 and 2000. Data is sourced from the United Nations (2002). There is no comparable data on the religious background of individual asylum-seekers. Therefore, the author has calculated the proportion of asylum-seekers from Islamic countries by determining which top-ten origin countries are predominantly Islamic[14]. This index does have limitations as asylum-seekers from Islamic countries are not necessarily Muslim, and a number of those from non-Muslim countries may themselves be Muslim. For example, the major outflows from Sudan, an Islamic state, are Christians and animists. However, it is not expected that these limitations significantly impact on the overall validity of the measure.

In order to gauge the impact of multiculturalism, the extent to which multicultural policies are implemented in a country will be measured by Banting and Kymlicka's (2003) multiculturalism index. The index incorporates nine aspects, such as whether multiculturalism is part of the school curriculum or if the government funds ethnic

[13] Table 1 (5) Non-DAC immigrants per 1,000 total population
[14] Information on the predominant religion of each country is taken from SBS (2003).

organisations, to provide an overall rating (strong: 3, moderate: 2, or weak: 1). The extent to which a destination country actively recruits migrants and refugees will be measured by the number of immigrants accepted per year under permanent migration programs (immediate family members, such as spouses and children, are excluded from this figure as all destination countries allow for this basic level of migration). Data for countries with permanent migration programs: Australia, Canada, New Zealand, and the United States (Kritz and Zlotnik:1992), is sourced from individual government publications[15]. The number of refugees and humanitarian entrants accepted under formal resettlement programs is taken from UNHCR (2003b:17).

Diplomatic relationships

To measure the diplomatic relationship that exists between the destination country and the asylum-seekers' origin country, the dummy variable 'diplomatic relationship' has been constructed by the author. This indicates whether the destination country has an embassy in the asylum-seekers' origin country. As the presence of an embassy demonstrates the destination country considers the origin country to be diplomatically important, this measure crudely captures the existence of a diplomatic relationship. Data has been sourced from the foreign ministries of destination countries[16].

Economic conditions

Economic conditions in the destination country are measured by inflation (consumer price index), economic growth (GDP growth) and GDP. Three dimensions of unemployment are measured: the 2002 rate, the change between 2001 and 2002 (data from OECD:2003[17]); and the difference in the 2002 unemployment rate between nationals and foreign-born residents (data from Grieco and Hamilton: 2004:4).

The need for population replacement

The desirability of asylum-seekers as a means of replacement population is reflected in these two variables: natural increases (the number of births minus the number of deaths per 1000 persons)[18], and the percentage of the population aged over 65[19].

[15] As figures for Australia and New Zealand are calculated 1 July - 30 June, 01/02 and 02/03 have been averaged. Australia: DIMIA, 2003, s1.1.1.&2.; Canada: CIC, 2003, Table 2; New Zealand: Immigration Service (2004), USA: US Citizenship and Immigration Service (2003, p.7 - Table A.). .

[16] Sources are listed in Appendix C.

[17] Table 13: Unemployment rates: commonly used definitions, Table 18: Consumer price index

[18] Data from OECD (2002) Natural Increase for 2002 was not available for all countries. Most recent data was used in all other cases. 2001: Japan, Canada, Austria, Belgium, Germany and Italy. 2000: UK. 1999: Greece. 1998: Portugal. Pearson's Correlation between Natural increases in 2002 and 2001 is .982, 2000 is .945, 1999 is .937, and 1998 is .940 (All 2 tailed sig.000)

[19] Data from OECD (2002) Population over 65 in 2002 was not available for all countries. 2001: Austria and France. 2000: UK. 1999: Belgium and Greece. Pearson's Correlation between population over 65 in 2002 and 2001 is .996, 2000 is .989, and 1999 is .972 (All 2 tailed sig.000)

FINDINGS[20]

Despite the popular belief that right-wing governments are associated with restrictive asylum-policies, there is a weak negative correlation between refugee recognition rates and the left legacy. As destination countries with strong left legacies have large welfare states and a strong sense of social solidarity, it may be that harsher interpretations of the refugee definition arise as a result of the "perceived cultural threat and economic cost" immigration presents to locals (Soroka, Banting and Johnston:2003:20). Although not statistically-significant, the results do suggest that the effects of partisanship may extend well beyond the incumbent government.

No relationship is found between the actual size of the foreign population and recognition rates (Holzer, Schneider and Widmer (2000b) found a negative relationship), nor between the percentage of ethnically-distinct migrants and recognition rates. However, the proportion of refugees to other migrants is correlated negatively to refugee recognition rates and positively to humanitarian recognition rates (statistically-significant in the 'all' and 'excluding North America' datasets), suggesting that it is the foreigners' immigration status, not their ethnicity, which is important. This may indicate that destination countries react to a loss of control over their borders, rather than to racial tensions. As predicted, the change in the foreign population is important. Rising numbers of immigrants and a higher ratio of refugees to other migrants are associated with lower refugee recognition rates and higher humanitarian recognition rates. The strongest relationship is between the change in the number of refugees during 1990-2000 and humanitarian refugee recognition rates (statistically-significant in all three datasets). The change in the proportion of immigrants to locals during 1990-2000 is also associated with lower refugee recognition rates (statistically-significant in the 'excluding North America' dataset) and higher humanitarian recognition rates.

There is a weak negative relationship between the proportion of the asylum population emanating from predominantly Islamic countries and global humanitarian recognition rates. However, the origin-specific humanitarian (and combined) recognition rates are positively and statistically-significantly correlated to the proportion of Islamic asylum-seekers. This indicates that the presence of Islamic asylum-seekers may lower the global recognition rate, but that Muslim asylum-seekers are more likely to be awarded the available humanitarian protection than non-Muslims.

The adoption of multicultural policies shares a statistically-significant relationship with refugee recognition rates. However, the effect disappears once North America is taken out of the analysis. A similar, but intensified, effect is apparent with permanent migration programs. Refugee resettlement programs are positively and significantly associated in the 'all' dataset, but become moderately negative in the European dataset. This may arise because Australia's negative view of asylum-seekers as being resettlement 'queue jumpers' for not waiting in foreign camps and 'illegals' for arriving without the proper papers" (Marr and Wilkinson:2003:37) is shared by European resettlement countries, but not by North America. This suggests that the number of refugees accepted under resettlement programs is a poor indicator of a society's openness to outsiders, and highlights the importance of using three datasets - if the correlation was only calculated for 'all' destination countries, it would have

[20] Unless the origin-specific recognition rate is indicated, results refer to the global recognition rate.

been falsely concluded that resettlement programs are positively associated with refugee recognition rates.

Where the destination country's diplomatic presence is strong across the origin countries, the humanitarian recognition rate is lower across all three datasets, although the results are not statistically-significant. The refugee recognition rate is also higher, however the relationship is only statistically-significant in the 'all' dataset. While it may be coincidental that Canada and the United States have the highest refugee recognition rates and a diplomatic presence in each of their top-ten origin countries, this certainly indicates that hostile relationships are no longer fundamental to the granting of refugee status as in the Cold War period.

The possibility of a positive relationship between diplomatic presence and the amount of refugee protection provided, as indicated in the 'all' global dataset, runs counter-intuitive to a destination country's desire to retain cordial diplomatic relationships with origin countries. Thus it is less surprising that no association is found between diplomatic presence and refugee recognition rates in the 'all' and 'Europe' origin-specific datasets. The only evidence to support the theory that diplomatic relationships decrease an asylum-seeker's chance of acceptance as a refugee is found in the 'excluding North America' origin-specific dataset, which reveals a weak, but statistically-significant, negative relationship between the variables. This suggests that diplomatic relationships may have a bearing on the allocation of refugee status in Australia, New Zealand and Japan, but not in North America or Europe.

In the origin country dataset the negative relationship between diplomatic presence and the humanitarian recognition rate is strong and statistically-significant indicating that asylum-seekers from origin countries that share a diplomatic relationship with the destination country have a lesser chance of securing humanitarian protection. The discretionary nature of humanitarian protection allows diplomatic considerations to overshadow humanitarian considerations. While diplomatic ties are found to be important in the awarding of humanitarian status, the refugee recognition rate appears largely unaffected.

This study finds limited evidence to support a relationship between recognition rates and economic factors. There is a weak negative link between unemployment rates and low humanitarian recognition rates. The change in unemployment rates between 2001 and 2002 is not found to be influential, which is contrary to Neumayer's (2004b) finding that changes in the unemployment rate are negatively related to the refugee recognition rate. The disparity between the national and foreign-born unemployment rate is negatively related to humanitarian recognition rates in all three datasets, although the effect is only statistically-significant when all destination countries are included in the analysis, and is positively related to refugee recognition rates in the 'all' dataset, but the relationship disappears completely when North America is removed. Findings suggest rising inflation is linked to lower humanitarian recognition rates. This is contrary to Holzer and Schneider (1997), who find no relationship with rising inflation. A weak, negative relationship is also apparent between economic growth and humanitarian recognition rates. It is, therefore, unlikely that this relationship is influential, particularly as Holzer and Schneider (1997) and Neumayer (2004b) find no association. Neumayer (2004b) finds a negative relationship between recognition rates and GDP, which is not supported in this research. There is no connection between recognition rates and the need for

population replacement (population over 65, rate of natural increase) – in fact, older populations have a statistically-significant association with lower, not higher, refugee recognition rates in the 'all' dataset.

A number of variables are positively and statistically-significantly associated with refugee recognition rates, but these relationships disappear once North America is taken out of the equation. Does this indicate that societies that are more open to outsiders have higher refugee recognition rates? Canada and the United States are multicultural societies with permanent migration programs. Their intake of skilled migrants, which results in similar employment rates for foreign-born and nationals, may lead to a more positive attitude towards immigration and asylum, and as their populations are young by Western standards, they are likely to be less conservative and more open to change than their European counterparts. While this appears a plausible theory to explain the stark difference between North America and Europe, it does not account for the fact that Australia and New Zealand share the same characteristics as North America, but have considerably lower recognition rates.

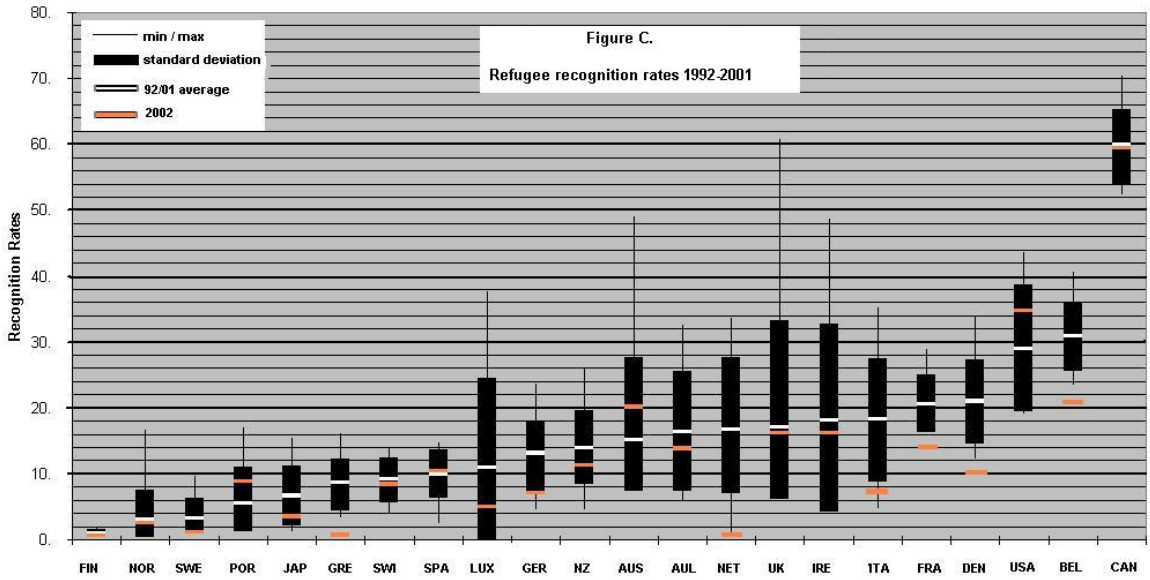
In summary, the findings indicate that: destination countries that are traditionally more left-wing have lower refugee recognition rates; fluctuations in the recognition rate appear to be related to *changes* in the foreign population, particularly the refugee population; Islamic asylum-seekers are not discriminated against; while positively associated with refugee recognition rates, the adoption of multicultural policies and migration programs cannot account for the differences between North America and Australasia; diplomatic relationships influence humanitarian, not refugee, recognition rates; economic conditions have a limited capacity to affect humanitarian recognition rates; and finally, destination countries in need of population replacement have lower refugee recognition rates.

6. Long standing differences in refugee recognition rates

This section will examine the impact of the ten year average global refugee recognition rate on 2002 recognition rates.

LITERATURE REVIEW

Previous research is based on the assumption that recognition rates fluctuate as a result of the prevailing conditions in the destination country and origin country. There is no real recognition that long-standing differences exist between the global refugee recognition rates of destination countries. Figure C, constructed by the author from UNHCR (2002a:138) data, displays the variance in global refugee recognition rates for each destination country over a ten year period.



The refugee recognition rate of many destination countries is relatively stable between 1992 and 2001. Figure C gives the impression that a destination country's global refugee recognition rate is 'pegged' at a predetermined level and clearly demonstrates that variance between destination countries' global refugee recognition rates has existed over time.

OPERATIONALISATION OF VARIABLES

The ten year average global refugee recognition rate is a 'catch all' variable which is used to illustrate the relative generosity of refugee recognition rates in spite of changes in the composition of asylum-seekers and conditions in the destination countries and origin countries. This variable is calculated by averaging each destination country's global refugee recognition rate between 1992 and 2001. Data sourced from the UNHCR (2002a:138).

The limitation with this variable is that it does not factor in the fluctuations in each destination country's global refugee recognition rate over the ten-year period. Table B provides the standard deviation for each destination country. While in thirteen destination countries the standard deviation is less than six percent, there have been considerable fluctuations in eight destination countries.

Table B. 1992 - 2001 Refugee recognition rates

	Mean	Standard deviation
Finland	1.0	0.6
Norway	2.8	4.7
Sweden	3.3	2.9
Portugal	5.9	5.2
Japan	6.6	4.6
Greece	8.4	4.0
Switzerland	9.0	3.4
Spain	10.0	3.6
Luxembourg	11.2	13.3
Germany	12.6	5.4
NZ	14.0	5.6
Austria	15.6	12.1
Australia	16.5	9.1
Netherlands	17.3	10.4
UK	17.4	15.8
Ireland	18.0	14.7
Italy	18.1	9.4
France	20.6	4.4
Denmark	20.9	6.4
USA	29.1	9.7
Belgium	30.7	5.2
Canada	59.7	5.7

FINDINGS

The correlation between a destination country's average global refugee recognition rate over the period 1992-2001 and 2002 refugee recognition rates is strong, positive and statistically-significant across the three datasets (in the 'all' dataset the correlation is

statistically-significant to the .000 level), demonstrating the close relationship between the destination countries' ten year track record in providing protection and the 2002 refugee recognition rate. This finding suggests that global refugee recognition rates fluctuate around a level deemed acceptable by the destination country. Notably eight of the destination countries' ten year average refugee-recognition rates have a standard deviation greater than nine percent, including Ireland and the United Kingdom where the average fluctuation is around fifteen percent. This may indicate that the amount of refugee protection provided by these particular destination countries is more responsive to prevailing conditions in the destination countries and origin countries, or that these destination countries have less control over the supply of asylum.

The correlation between the average global refugee recognition rate during 1992-2001 and the 2002 humanitarian recognition rate is negative and statistically-significant in the 'all' and 'excluding North America' datasets, but does not quite reach statistically-significant levels in the 'Europe' dataset. This indicates that 2002 humanitarian recognition rates are inversely related to the destination countries' ten year average refugee recognition rates. This result is influenced by whether or not the destination country is one that provides humanitarian protection, however, even if all of the destination countries that do not provide humanitarian protection are excluded, a moderate negative, though not statistically-significant, relationship remains.

In the preceding section, two variables were presented which capture historical differences between destination countries – the strength of left-wing parties and the extent to which multicultural policies have been adopted. Is it possible that these two variables explain why there are long-standing differences in global refugee recognition rates between destination countries? Global refugee recognition rates for Scandinavia, with its strong left legacy and weak multicultural policies (except for Sweden with moderate multicultural policies), were consistently low; North America, with no left legacy, modest multicultural policies in the United States, and strong multicultural policies in Canada, were consistently high (with Canadian rates far exceeding any other destination country); and Australasia, with its moderate left legacy and strong multicultural policies, were mid-ranging. However, as neither of these variables were found to be statistically-significant, it is quite possible that these describe, rather than account for, the differences in global refugee recognition rates.

While differences between destination countries are clearly apparent, figure C also indicates a downward trend in global refugee recognition rates. While the majority of destination countries have experienced moderate change in their global refugee recognition rates, in 2002 they fell to a ten year low in Greece, the Netherlands, France, Denmark and Belgium, and 18 out of 22 destination countries experienced lower than average global refugee recognition rates. Hence, illustrating the downward trend in refugee recognition rates described in the section on the asylum burden.

In summary, long-standing differences in global refugee recognition rates indicate that changing conditions in destination countries and origin countries have little effect on the amount of protection destination countries provide.

7. Domestic refugee law and administrative considerations

This section will firstly examine the link between the cross-national variance in recognition rates and domestic refugee legislation, the administrative capacity of the asylum system, and the potential consequences for an asylum-seeker arising from an incorrect ruling. Secondly, it will be demonstrated that variation exists not only between different destination countries, but also within each destination country itself. Three reasons for this variance, which appears inherent in the status determination process, will be proposed - the expertise of the decision-maker, the extent to which credibility assessments are used, and the level of resourcing.

LITERATURE REVIEW

Domestic Refugee Law

While the refugee definition provides the legal yardstick against which all claims for asylum are measured, there are a number of grey areas. To clarify the situation the UNHCR (1979) Handbook on Procedures and Criteria for Determining Refugee Status (Handbook) was produced. While this provides guidance, there are still ambiguities (Gorlick:2003:359), and more importantly, the Handbook is not legally binding. For this reason Noll (2000:236) considers that the main determinant of recognition rates is domestic refugee law. There are key areas in which the interpretation of the convention differs – the burden of proof, persecution of non-state actors, internal flight alternative, and the meaning of 'a particular social group'.

The standard of proof required differs across Western states. For example, in the United Kingdom it is 'reasonable chance' of persecution, which may be lower than 50%, whereas in Germany it is 'considerable probability', which requires a greater than 50% chance (Gorlick:2003). It would be expected that states which have a low threshold have higher recognition rates.

When a person is persecuted by 'non-state' actors (a term which can include a state-like authority, a rebel or extremist group, or even one's family or community), some destination countries will only provide protection if the state was complicit in their persecution (either tolerating or supporting these acts). Other destination countries are more generous in their interpretations, finding that persons whom the state was incapable of safeguarding from persecution, due to a loss of sovereign control or simply an inability to extend protection, are eligible for refugee status. (ELENA:2004; University of Michigan Law School:2004) Destination countries which do not require states to be complicit in persecution carried out by non-state actors should have higher recognition rates.

There are dissenting views across destination countries as to whether an asylum-seeker must prove that his fear of persecution exists over the entire state or merely locally (Hailbronner:2000:376). If there is an option to relocate inside the country without fear of persecution, some destination countries will refuse to recognise the asylum-seeker as a refugee. Where a person must prove a well-founded fearof persecution if they return to *any* part of their origin country, lower recognition rates should ensue.

The 1951 Geneva Convention provides protection for those persecuted because they belong to a 'particular social group' – a term which is non-specific and open to interpretation (Steinbock:1999:34). There has been much debate as to whether women or homosexuals constitute a 'particular social group' (Hathaway and Foster:2003). One of the recommendations falling from the 1985 UNHCR EXCOM meeting was that women facing harsh or inhuman treatment for transgressing their communities' social mores could be recognised as refugees on the grounds of their affiliation to a 'particular social group' (Sztucki:1999:66), although this interpretation is not legally-binding. Destination countries that provide an open approach to the 'particular social group' category should have higher recognition rates.

These legal rulings may have less bearing on initial decisions than at the review stage. In destination countries the first ruling on a refugee claim is generally made by an administrative body or tribunal, whereas courts will make rulings at the later review stages. Sztucki (1999:74) finds that courts display " 'Convention fundamentalism' in a much higher degree than in administrative practice". Therefore legal interpretations can be expected to weigh less heavily on initial decisions.

Administrative considerations

1. Administrative capacity

Rising applications lead to increasing pressures on asylum systems. An asylum system's capacity to cope with the increasing demands will vary. The pressure on the administrative framework could be measured by the sheer volume of applications, however the change in cases pending (undecided applications) between the beginning and end of the year is arguably a better indicator, as it captures the asylum system's ability to absorb, and respond to, an increasing workload. One method of coping with asylum backlogs is to grant amnesties, such as the recent amnesty granted to 15,000 asylum-seekers and their families in the United Kingdom (Travers:2003), or awarding humanitarian status to asylum-seekers more generally (Kalin:1994). The ethics of these approaches are questionable, as the asylum-seeker is given humanitarian status irrespective of whether they are a refugee, a person in humanitarian need, or an economic migrant. It is probable that where the administrative burden is too great, the ethical question will be silenced by the need for administrative expediency. Therefore, it is expected that where the number of cases pending has decreased, there would be a higher humanitarian recognition rate and a lower refugee recognition rate.

2. Forced repatriation – the consequences of a wrong decision

A common misconception voiced by the media and politicians is that asylum-seekers fall neatly into two distinct categories: deserving or bogus. The reality is that "it has become increasingly difficult to make a sharp distinction between refugees and other international migrants" (Crisp:2003:7). Showler describes the decision-making process as "the single most complex adjudication function in contemporary Western societies" (Rousseau et al:2002:43). Due to the inherent difficulty in adjudicating on asylum claims, the capacity to make an incorrect ruling must be acknowledged. If the asylum-seeker in genuine need of protection has their refugee claim refused, they may

face death, imprisonment or torture if returned to their country. However, the reality is that for ethical, financial, legal and political reasons (Gibney and Hansen:2002:5), and logistical difficulties (Berthiaume:1995:3), few failed asylum-seekers are repatriated. Noll (1999) considers repatriation rates are a significant determinant of recognition rates due to the potential risks associated with returning genuine asylum-seekers. Therefore, destination countries that repatriate few failed asylum-seekers should have lower recognition rates than those which repatriate many. Unfortunately, data on the number of failed asylum-seekers is not collected or published by a number of destination countries. Table C is constructed by the author from the available data of five destination countries[21].

Table C. Percentage of asylum-seekers returned in 2002

	refugee recognition rate	% of rejected asylum-seekers returned
Netherlands	1.3	4.4
Luxembourg	5	5.4
New Zealand	14.4	35.8
Italy	16	0
Ireland	16.8	5.3

No discernable pattern is apparent in the data. One logical explanation for this result is that the ability to grant humanitarian status provides a cushioning effect. The asylum-seeker will not be repatriated if they are refused refugee status, but instead granted humanitarian status. Hence, it could be expected that destination countries that do not offer humanitarian status have higher refugee recognition rates as the consequences of a wrong decision are much greater, particularly where there is an active policy of returning failed asylum-seekers.

3. Variance in recognition rates within asylum systems

Holzer, Schneider and Widmer (2000a) found significant variation in refugee recognition rates across administrative regions, even after controlling for other factors, including the asylum-seekers' origin countries and the canton's share of foreigners. Similarly, a recent article on the Canadian Immigration Review Board (IRB) reveals a provincial variation in refugee recognition rates - Toronto: 58%; Montreal: 50%; Vancouver: 43% (Jiménez:2004). As administrative bodies are governed by the same law and policy, why do recognition rates vary so extensively within national borders? Holzer, Schneider and Widmer (2000a) propose that as small and large cantons had higher recognition rates than mid-sized cantons, the size of the administrative region is a significant factor - in small cantons, as the civil servants interviewing asylum-seekers are more likely to know them on a 'personal basis', favourable treatment would ensue, and in larger cantons anonymity produced the same effect. This argument appears weak for a number of reasons: firstly, even in Nidwald, a small canton with a population of 38,600 noted for its high recognition rates, it is questionable whether decision-makers would know their clients personally; secondly, while it is possible that in smaller cantons the decision-maker is more likely to consider the impact of their decision-making on the local community (rather than their clients), this may have a positive or negative effect depending on their personal

[21] Rejected asylum-seekers from UNHCR (2003a) Table 5; European return statistics from ECRE (2003) Country Reports. NZ return statistics from RefNZ (2004) Table 50 - Removal orders executed (ex-refugees) with 2002 figures calculated as an average of 2001/02 and 2002/03 departures.

views; thirdly, it seems illogical to argue that both the existence and non-existence of a personal relationship can be positively associated with recognition rates; fourthly, anonymity can exist in a canton with a quarter of a million people (medium size), or a million people (a large size); and finally, provincial variation is apparent in Canada where the administrative regions in question are considerably larger than any Swiss canton (Ontario: 12 million, Quebec: 7.5 million and British Colombia: 4 million).

If size doesn't matter, how can the disparity in recognition rates within a destination country be accounted for? As variation is apparent amongst decision-makers - for example, five Canadian IRB members denied all appeals, one overturned 81% of cases, and a wide spectrum of recognition rates can be seen in between. Although IRB members specialise in cases from particular regions, the varying composition of their caseloads cannot alone account for this variation (Jiménez:2004). Thus it appears variation is endemic in the status determination process. The variation between the recognition rates of individual decision-makers indicates there is significant scope for an alternative ruling to be made on an asylum claim. This may be due to the inherent difficulty in determining the merit of an asylum claim, which was highlighted in the discussion on forced repatriation. Hence, it is possible that destination countries are incapable of adequately fulfilling their protection obligations. However, if variance is simply symptomatic of the status determination process, it would be expected that, on the whole, the recognition rates of decision-making bodies and destination countries would be broadly similar. As this is clearly not the case, it indicates that there are personal and organisational characteristics which lead to a negative or positive bias in the status determination process. The following three characteristics are proposed as possible explanations for a positive or negative bias: the decision-maker's level of expertise, the extent to which credibility assessments are relied upon, and the level of resources dedicated to the status determination process.

The qualifications and experience of the decision-maker. Decision-makers must be suitably qualified, well-trained, impartial, and culturally sensitive in order to accurately discern the merit of the asylum claim. Decision-makers may not fit this profile and the UNHCR warned destination countries that improvements were required to ensure the quality and impartiality of status determination (Berthiaume:1995). A decision-maker's impartiality and cultural sensitivity may not be readily apparent, but their qualifications and experience are. Returning to the example of the Canadian IRB, one of the members that refused all appeals holds a masters degree in law and previously served with the UNHCR, and the member that approved the highest number of cases (81%) was a former member of the Ontario Human Rights Commission (Jiménez:2004). It is likely that their professional experience is an important factor, and the ex-UNHCR member is likely to have more expertise in status determination than his colleague. Anecdotal evidence indicates that a decision-maker's recognition rate decreases as their experience, including their increasing exposure to both genuine and fraudulent claims as well as knowledge of their particular case-load, increases[22]. Crawley (1999:3.67) provides a further example of a British Chief Immigration Officer who served in Pakistan, who was well-briefed on the situation of the Ahmadiya, and who was significantly more sceptical of the claims this group presented than decision-makers without her knowledge.

[22] Informal discussions with, and observations of, decision-makers from destination countries and the UNHCR.

Conversely, Asylum Aid (1999) and Crawley (1999) assert that refusals often result from the poor judgement of non-specialist or poorly-trained staff. The effect of expertise on recognition rates is difficult to gauge as there is no comparable empirical data on the qualifications and experience of decision-makers. Greece and Italy could be used as examples as both are noted for their inadequate training of those involved in asylum processing (Sitaropoulos:2000; Vinzenzi:2000), but as the recognition rates of Greece and Italy varied widely at the time of these studies[23], no conclusion can be drawn.

Credibility assessments. Decision-makers mistrust asylum-seekers and refugees (Hynes:2003). Each decision-maker's level of mistrust will be influenced by their knowledge, experience and beliefs. In an environment of mistrust, establishing the credibility of the asylum-seeker's claim becomes paramount. Evidently decision-makers with greater expertise should be more proficient in their credibility assessments. However, experienced decision-makers are also less likely to accept the asylum-seeker's testimony on face value, and are therefore more reliant on credibility assessments. The emphasis placed by decision-makers on the asylum-seekers' credibility has been widely criticised for failing to take into account the effects of memory, trauma and culture and being based on inaccurate premises or information (Asylum Aid:1999; Crawley:1999; Cohen:2002, Rousseau et al:2002, Coffey:2003). Furthermore, credibility assessments may exclude genuine asylum-seekers – distrustful of the status determination process (Hynes:2003), they contrive alternative claims which they believe will secure their acceptance as a refugee, and are refused on credibility grounds as a result[24]. As doubt over credibility is a key reason for refusal (Travers:1999:104-5), decision-makers that display high levels of mistrust are likely to have lower recognition rates. While decision-makers would argue that 'mistrust' is simply a consolidation of knowledge and experience which sharpens their judgement and enhances the integrity of their decision making[25], critics would argue that mistrust hampers the decision-maker's objectivity and creates a negative bias. Hynes (2003), Cohen (2002), Hassan (2000) and Asylum Aid (1999) attribute the significant number of claims refused on credibility grounds to a culture of disbelief. While it is expected that high levels of mistrust and low recognition rates are associated with asylum systems with long-serving decision-makers, it is not known whether low recognition rates arising from a reliance on credibility assessments are merit-based or biased.

Resources are required to ensure effective decision making, including: access to professional interpreters; access to accurate and current information about the origin country and transit countries; sufficient time to interview the asylum-seeker (and relevant family members); where necessary, access to contacts able to confirm details relevant to the claim and the authenticity of documents; and time made available to consider the application in detail[26]. Access to the necessary resources is not always forthcoming. The UNHCR has raised concerns that procedures designed to substantially reduce processing times may be "so accelerated than an asylum-seeker does not get an adequate hearing" (Berthiaume:1995:7), and Delouvin (2000:66) reveals that in France, which had experienced a decrease in the resources available,

[23] Greece - 1999: 6.9%, 2000:11.3%; Italy - 1999: 35.1%, 2000: 6.6%.

[24] Refugee Status Determination and Special Humanitarian Program interviews conducted by the author at the Australian Embassy, Cairo and UNHCR Office, Khartoum between August 2001- August 2003.

[25] See 23.

[26] Author's opinion derived from managing Australia's Humanitarian program for North Africa November 2001-July 2002

there is only a 'cursory' examination of the claims, few are granted the opportunity to be interviewed (37% in 1999), and applicants are not given adequate time to gather the required documentation. These examples point to the existence of an 'implementation gap' between the intent of policy (and legislation) and its implementation. This gap may occur where work pressures make it impossible for 'street-level bureaucrats' (decision-makers) to carry out their duties in the manner in which policy intended, which may result in inequitable outcomes for clients (asylum-seekers) (Lipsky:1976:208-10 from Parsons:1995:467). Whether access to resources, which would enable decision-makers to carry out their duties in the manner which policy intended, would reduce or increase recognition rates is debateable. Düvell and Jordan (2002:502) are of the opinion that the ability to "scrutinise claims more closely" lowers recognition rates, while Crawley (1999) and Asylum Aid (1999) conclude that refusals are often the result of country information that is incomplete or inaccurate, and that if more comprehensive information was available to decision-makers, then recognition rates would increase.

Although the relationships are untested in this research, the destination countries' decision-makers' level of expertise, reliance on credibility assessments, and the access to resources, is likely to account for part of the cross-national variance in recognition rates.

OPERATIONALISATION OF VARIABLES

Due to the difficulties in collating and interpreting legal rulings, the only legal aspect that will be considered in the statistical analysis is whether state complicity is required where persecution occurs at the hands of non-state actors. A dummy variable 'complicity requirement' has been constructed - 0 is where complicity is not required, 1 is where complicity is required. Information on legal rulings is sourced from the European Legal Network on Asylum (ELENA:2000). New World legal rulings are based on the author's interpretation of case law sourced from University of Michigan Law School (2004)[27]. The change in cases pending between the beginning and end of year is taken from UNHCR (2003a)[28]. The limitation of this variable is that data is only available for 15 of the 22 countries. To measure the severity of the consequences of a wrong decision, the dummy variable 'humanitarian provision' indicates whether the destination country provides the safety net of humanitarian status. The coding is 0 for no humanitarian provision, and 1 for humanitarian provision.

FINDINGS

The legal ruling on whether state complicity is required to constitute 'persecution' has no bearing on global or origin-specific recognition rates. This does not infer that domestic legislation is not important. It is even possible that the appearance of a predetermined or 'pegged' refugee recognition rate, evident in Figure C, arises from the variance in the burden of proof required in the asylum claim. Unlike other legal requirements that affect particular asylum-seekers, such as, if persecution occurred at

[27] In particular: Minister For Immigration & Multicultural Affairs v Khawar (2000); The Federal Court of Appeal in M.E.I. v. Villafranca (1992); Butler v. Attorney General Court of Appeal (1997); and Avetova Elisseva v. Immigration and Naturalization Service (2000).
[28] From Table 5

the hands of a third party, as a result of belonging to a 'particular social group', or where the asylum-seekers' fear of return does not extend to the whole country, the burden of proof affects *all* asylum-claims. The fact that in Germany, where a 'considerable probability' of persecution is required, rates have remained significantly lower than in the United Kingdom, where a 'reasonable chance' of persecution is required, lends support to this theory. However, a 'reasonable chance' is a low threshold, and the United Kingdom's recognition rate is substantially lower than Canada's additionally, Sztucki (1999:74) reminds us that legal rulings have less bearing in administrative practice, and that the overwhelming majority of decisions that make up the recognition rate are made by bureaucrats. And finally, variation in recognition rates is apparent where decision-makers are bound by the same law. Therefore, while domestic legislation is likely to be an important factor, it is unlikely to be the explanatory factor.

Destination countries providing the option of humanitarian protection, which diminishes the risk of returning failed but genuine asylum-seekers, have lower, statistically-significant global refugee recognition rates across all three datasets. While this finding supports Noll's (1999) theory that the consequences of a wrong decision weigh heavily on the decision-maker, it demonstrates that the decision-maker's ability to provide humanitarian status moderates the risk of repatriating failed but genuine asylum-seekers.

Destination countries experiencing an increase in the number of asylum cases pending have statistically-significantly higher global refugee recognition rates than those which have reduced their backlog of cases. The relationship with humanitarian recognition rates is negative across all three datasets, although not statistically-significant. The findings lend support to the theory that destination countries award humanitarian status in lieu of refugee status to reduce their backlog of cases. The variable 'change in cases pending' proves to be a useful measure of the administrative capacity of an asylum system.

In summary, while domestic law may be influential, the requirement for state complicity in persecution is not found to be important; the administrative capacity of an asylum system, as measured by change in cases pending, is related to increases in the refugee recognition rate and decreases in the humanitarian recognition rate; and where the potential consequences for an asylum-seeker arising from an incorrect ruling are much greater, the refugee recognition rate is higher. Although not tested empirically, it has been suggested that the variation shown to be inherent in the status determination process arises from the fallibility of the process itself, the decision-makers' expertise, the use of credibility assessments, and the resources allocated to the status determination process.

7. Discussion and conclusions

Global refugee recognition rates are cited by governments and the media as evidence that the asylum systems of destination countries are being inundated with undeserving people. If these assertions are correct, it is expected that asylum-seekers from origin countries where persecution is commonplace will have higher recognition rates than asylum-seekers from peaceful countries that display a greater respect for human rights. However, recognition rates are negatively-related to refugee-generating

conditions in origin countries. What is particularly interesting is that worsening human rights conditions in origin countries push down the global humanitarian recognition rate, but boost the origin-specific recognition rate for asylum-seekers fleeing these conditions. It appears that destination countries attempt to contain the number and associated costs of asylum-seekers by providing less humanitarian protection, but allocating protection to those most in need.

Empirical studies indicate asylum-seekers demonstrate a preference towards destination countries with higher recognition rates. Although a number of authors have suggested destination countries resort to lowering refugee recognition rates as a deterrence strategy, only one empirical study proves this relationship. The findings in this study, which indicate low refugee recognition rates are related to rising numbers of asylum applications and to low recognition rates of neighbouring countries, lend further support to this theory.

Previous studies have been unable to find a relationship between recognition rates and the success of right-wing populist parties, despite their strong anti-asylum stance. Surprisingly, this study shows that destination countries that are traditionally more left-wing have lower refugee recognition rates. This may arise as these destination countries have large welfare states and a strong sense of social solidarity, which they may fear will be eroded by outsiders. It is probable that the reason no relationship has been found between right-wing populist parties and recognition rates is due to the relationship being negated by the impact of the left legacy.

This study finds that rising numbers of immigrants and a higher ratio of refugees to other migrants, not the sheer size of the foreign population, are associated with lower refugee recognition rates and higher humanitarian recognition rates. Interestingly, the proportion of 'ethnically-distinct' migrants residing in a destination country has no noticeable effect, but the proportion of asylum-seekers from Islamic countries is important – the overall humanitarian recognition rate is slightly lower when the proportion of Islamic asylum-seekers is greater. Despite this, Islamic asylum-seekers were more likely to be allocated the available humanitarian protection. Refugee recognition rates are positively associated with permanent migration programs and multicultural policies, but this cannot explain why Australasian rates are not comparable to the more generous rates of North America. Interestingly, destination countries that offer formal resettlement schemes do not have more generous asylum policies. As humanitarian status is discretionary, it is susceptible to the destination countries' national interest, such as their diplomatic ties with origin countries. Destination countries most in need of population replacement have low recognition rates. Thus it appears refugee recognition rates do not increase solely as a result of national interests, although the reverse appears to be true. This may explain the downward trend in refugee recognition rates across destination countries.

The strongest correlation is between refugee recognition rates and the averaged refugee recognition rate over a ten year period. This indicates that the changing merit of the asylum population has little bearing on the amount of protection awarded by destination countries.

This study has demonstrated that the effects of domestic law are likely to be less influential than expected. The strategies destination countries implement to reduce backlogs, such as amnesties and large scale grants of humanitarian status, decrease the

amount of refugee status provided. As humanitarian status is often temporary, increasing numbers of asylum-seekers that would have received permanent protection in the past are now facing uncertain futures. However, administrative practicalities also lead to favourable outcomes for asylum-seekers – destination countries that do not offer humanitarian protection have higher refugee recognition rates. This suggests that where the chance of returning genuine, but failed, asylum seekers is greater, decision-makers are more likely to give the asylum-seeker the benefit of the doubt. The difficulty in adjudicating an asylum claim accounts for the wide-ranging variation of recognition rates within destination countries. The capacity for an alternative ruling leaves the outcome of the asylum claim susceptible to the expertise of the decision-maker, credibility assessments and the level of resources dedicated to the status determination process.

The findings of this study clearly indicate that the same asylum-seeker has a different chance of being awarded refugee or humanitarian status in each destination country. Despite this, an asylum-seeker who lodges a claim in more than one destination country is viewed by Western governments as 'cheating the system'. In an asylum regime that delivers inequitable outcomes, 'asylum shopping' is simply a pragmatic way for an asylum-seeker to increase their chances of protection. The opportunity for 'asylum shopping', however, has been greatly curtailed since the introduction of the Common European Asylum System in 1999, which resulted in asylum decisions made by one Member State becoming binding throughout the European Union. Hence an asylum-seeker who is refused in one Member State, but whose claims would warrant protection in another Member State, is prevented from lodging a further application in that Member State (Commission of the European Communities:2004). The amount of protection European destination countries provide is shown to be unrelated to merit, yet those seeking asylum in the Common European Asylum System in 2002 did not face common criteria for inclusion, only exclusion[29].

It is clear that all destination countries must harmonise their asylum policies if asylum-seekers are to receive an equitable chance of protection. Headlines in the tabloid press, such as "Asylum-seekers: 9 out of 10 are conmen"[30] provide destination countries with the moral high ground in the asylum debate, but these findings suggest that Western asylum systems are long overdue their turn in the spotlight.

Issues for further research

This study has introduced a number of factors that are correlated to recognition rates. However, as a bivariate analysis, it cannot isolate the effects of other factors. Therefore, it would be useful to conduct a pooled time-series analysis with the variables found to be influential in this study. Evidence suggesting refugee recognition rates are now being used as a deterrent strategy indicates that the relationship between recognition rates and asylum applications outlined in previous empirical studies may be changing. Therefore, a study focusing on the previous ten years would be instructive. If studies investigating the cross-national variance in recognition rates are to be robust, international standards for including (or excluding)

[29] Minimum standards for asylum eligibility were first introduced in 2004. See European Council (2004).
[30] Daily Star, 22 May 2002

decisions on manifestly-unfounded claims in recognition rate calculations are required. A cross-national analysis of domestic legislation would be valuable, particularly with respect to the burden of proof. This would be possible if a specialist in refugee law could identify the lowest threshold for a positive decision. A study into the status determination process, including the expertise of decision-makers, the reliance on credibility assessments, and the resources available, would also be beneficial. Lastly, in order to better understand how humanitarian status is allocated, comparative data on temporary and permanent humanitarian protection is required.

Conclusion

This research suggests that there are two distinct ways in which destination countries respond to their international obligation to consider the claims of asylum-seekers and to provide protection to those found to be refugees or in humanitarian need. Firstly, the destination country appears to broadly determine the amount of protection they are willing to provide. This decision seems to be largely based on societal characteristics that have changed little in the past ten years, yet is influenced by prevailing conditions, including the number of potential asylum-seekers in origin countries, the change in the number of people seeking asylum (and the associated costs of providing government services to these people), changes in the foreign population, diplomatic relationships, socio-economic conditions, and the administrative burden. It is therefore concluded that the amount of protection a destination country provides is not determined on the basis of merit. Secondly, the destination country determines how protection is allocated. Asylum-seekers from origin countries where persecution is more prevalent do receive protection over asylum-seekers from origin countries where persecution is uncommon. However, it has been demonstrated that the effective allocation of protection is hampered by the difficulty of accurately determining the merit of an asylum-seeker's claim. The manner in which destination countries provide protection to asylum-seekers indicates they are both unwilling and incapable of adequately fulfilling their international obligations.

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Appendix A: Correlations - Global recognition rate

GLOBAL		All Countries			Excluding North America			Europe		
		ref	hum	comb	ref	hum	comb	ref	hum	comb
% of asylum seekers granted refugee status	R	1	-.416	.631*	1	-.453*	.120	1	-.443	.130
	Sig		.054	.002		.045	.615		.075	.618
	N	22	22	22	20	20	20	17	17	17
% of asylum seekers granted humanitarian status	R	-.416	1	.443*	-.453*	1	.831*	-.443	1	.831*
	Sig	.054		.039	.045		.000	.075		.000
	N	22	22	22	20	20	20	17	17	17
% of asylum seekers granted refugee or humanitarian status	R	.631*	.443*	1	.120	.831*	1	.130	.831*	1
	Sig	.002	.039		.615	.000		.618	.000	
	N	22	22	22	20	20	20	17	17	17
genocide and politicide	R	-.197	.166	-.052	-.198	.141	.033	-.205	.103	-.014
	Sig	.381	.460	.818	.403	.554	.889	.431	.695	.959
	N	22	22	22	20	20	20	17	17	17
ethnic war	R	-.202	-.051	-.243	.114	-.143	-.088	.107	-.192	-.146
	Sig	.368	.820	.276	.632	.547	.711	.682	.459	.576
	N	22	22	22	20	20	20	17	17	17
adverse regime change	R	-.177	.074	-.112	.071	.012	.058	.089	-.087	-.041
	Sig	.430	.745	.620	.766	.960	.809	.733	.739	.876
	N	22	22	22	20	20	20	17	17	17
revolutionary war	R	.040	-.024	.019	-.078	.004	-.044	-.077	-.110	-.169
	Sig	.858	.915	.932	.744	.986	.854	.768	.675	.516
	N	22	22	22	20	20	20	17	17	17
State failure composite score	R	-.135	.009	-.125	.014	-.034	-.029	.017	-.128	-.131
	Sig	.549	.967	.579	.952	.886	.902	.950	.625	.616
	N	22	22	22	20	20	20	17	17	17
political and civil rights combined score	R	-.248	-.079	-.311	-.144	-.132	-.237	-.076	-.235	-.307
	Sig	.266	.727	.158	.544	.578	.314	.772	.364	.231
	N	22	22	22	20	20	20	17	17	17
political rights	R	-.216	-.078	-.279	-.165	-.112	-.228	-.102	-.212	-.298
	Sig	.334	.731	.208	.486	.638	.333	.697	.413	.245
	N	22	22	22	20	20	20	17	17	17
civil rights	R	-.236	-.099	-.317	-.120	-.155	-.247	-.046	-.252	-.307
	Sig	.290	.660	.150	.615	.515	.294	.861	.330	.231
	N	22	22	22	20	20	20	17	17	17
political terror scale	R	.194	-.436*	-.181	.145	-.413	-.369	.202	-.483*	-.409
	Sig	.388	.042	.420	.542	.070	.109	.438	.050	.103
	N	22	22	22	20	20	20	17	17	17
interstate war	R	.593*	-.406	.238	.138	-.401	-.360	.251	-.378	-.262
	Sig	.004	.061	.285	.560	.079	.118	.331	.135	.310
	N	22	22	22	20	20	20	17	17	17

GLOBAL		All Countries			Excluding North America			Europe		
		ref	hum	comb	ref	hum	comb	ref	hum	comb
GPD ppp adjusted	R	.325	.009	.328	.079	.104	.165	-.017	.318	.342
	Sig	.140	.970	.137	.741	.663	.488	.950	.213	.180
	N	22	22	22	20	20	20	17	17	17
life expectancy	R	.266	-.005	.258	-.050	.094	.074	-.104	.200	.157
	Sig	.231	.983	.246	.836	.692	.756	.691	.442	.548
	N	22	22	22	20	20	20	17	17	17
Percentage of world's refugees produced by country of origin	R	-.286	.093	-.203	-.147	.030	-.058	-.151	-.065	-.165
	Sig	.196	.680	.365	.537	.901	.807	.563	.805	.526
	N	22	22	22	20	20	20	17	17	17
% of asylum seekers from Islamic countries	R	-.072	-.203	-.244	.095	-.272	-.243	.137	-.348	-.299
	Sig	.750	.366	.274	.690	.246	.301	.599	.172	.243
	N	22	22	22	20	20	20	17	17	17
2002 as a % of applications received 92-01	R	-.316	.575*	.184	-.389	.559*	.390	-.396	.537*	.359
	Sig	.163	.006	.426	.100	.013	.099	.129	.032	.173
	N	21	21	21	19	19	19	16	16	16
change in applications 01/02	R	-.216	.525*	.234	-.228	.521*	.438	-.223	.468	.379
	Sig	.334	.012	.294	.335	.019	.054	.390	.058	.134
	N	22	22	22	20	20	20	17	17	17
recognition rate of bordering Western countries average	R	.731*	-.387	.399	.385	-.438	-.287	.363	-.409	-.255
	Sig	.000	.092	.082	.115	.069	.248	.167	.116	.341
	N	20	20	20	18	18	18	16	16	16
migrant stock as a % of population 2000	R	.198	-.089	.119	.071	-.051	-.013	-.071	.091	.056
	Sig	.377	.694	.596	.766	.831	.958	.786	.730	.831
	N	22	22	22	20	20	20	17	17	17
change in migrant stock between 1990-2000	R	-.304	.371	.017	-.457*	.364	.120	-.398	.392	.187
	Sig	.169	.089	.942	.043	.115	.613	.113	.119	.473
	N	22	22	22	20	20	20	17	17	17
refugee stock 2000	R	.161	-.157	.025	-.076	-.088	-.145	-.087	-.127	-.194
	Sig	.473	.485	.911	.749	.713	.541	.741	.627	.455
	N	22	22	22	20	20	20	17	17	17
change in refugee stock between 1990-2000	R	-.289	.451*	.096	-.406	.438	.237	-.428	.413	.193
	Sig	.204	.040	.678	.084	.060	.328	.098	.112	.474
	N	21	21	21	19	19	19	16	16	16
change in number of refugees 90-00	R	.199	-.564*	-.280	.414	-.590*	-.399	.478	-.602*	-.369
	Sig	.387	.008	.218	.078	.008	.091	.061	.014	.160
	N	21	21	21	19	19	19	16	16	16
refugees as a % of migrant stock 2000	R	-.282	.467*	.120	-.340	.448*	.287	-.369	.412	.227
	Sig	.204	.028	.594	.142	.048	.220	.144	.100	.381
	N	22	22	22	20	20	20	17	17	17
change in refugee as a % of migrant stock 1990-2000	R	-.243	.353	.059	-.312	.336	.182	-.333	.303	.130
	Sig	.289	.117	.800	.194	.159	.456	.207	.255	.631
	N	21	21	21	19	19	19	16	16	16
left legacy	R	-.320	.218	-.131	-.093	.145	.106	-.377	.396	.210

GLOBAL		All Countries			Excluding North America			Europe		
		ref	hum	comb	ref	hum	comb	ref	hum	comb
	Sig	.157	.343	.571	.705	.554	.666	.150	.129	.435
	N	21	21	21	19	19	19	16	16	16
Ethnically distinct migrants per 1000 pop	R	.251	-.107	.159	.086	-.065	-.020	.036	.020	.046
	Sig	.272	.645	.492	.726	.791	.937	.895	.941	.867
	N	21	21	21	19	19	19	16	16	16
net migration per 1000 pop	R	.521*	-.435*	.143	.122	-.362	-.335	-.038	-.316	-.384
	Sig	.016	.049	.536	.619	.127	.161	.889	.232	.142
	N	21	21	21	19	19	19	16	16	16
non-Western migrants as % of all migrants	R	.316	-.269	.083	-.143	-.177	-.292	-.135	-.131	-.235
	Sig	.163	.239	.722	.559	.470	.226	.617	.628	.380
	N	21	21	21	19	19	19	16	16	16
adoption of multicultural policy	R	.489*	-.338	.196	.218	-.265	-.170	.107	-.025	.038
	Sig	.033	.157	.422	.401	.304	.515	.704	.930	.894
	N	19	19	19	17	17	17	15	15	15
permanent migration per 1000 pop not inc immedicate family	R	.656*	-.350	.348	.184	-.285	-.203	.a	.a	.a
	Sig	.001	.110	.112	.437	.223	.392	.	.	.
	N	22	22	22	20	20	20	17	17	17
permanent migration and resettlement per 1000 pop	R	.646*	-.339	.348	.175	-.269	-.190	-.375	.486*	.305
	Sig	.001	.123	.113	.459	.251	.422	.138	.048	.234
	N	22	22	22	20	20	20	17	17	17
refugees resettled per capita x 1000	R	.442*	-.165	.294	.068	-.079	-.046	-.375	.486*	.305
	Sig	.040	.462	.184	.777	.740	.847	.138	.048	.234
	N	22	22	22	20	20	20	17	17	17
change in consumer price index 01/02	R	-.108	-.299	-.362	.053	-.384	-.394	.181	-.453	-.389
	Sig	.631	.176	.098	.823	.094	.085	.487	.068	.123
	N	22	22	22	20	20	20	17	17	17
% population aged over 65	R	-.459*	.173	-.305	-.268	.078	-.080	-.146	-.088	-.188
	Sig	.032	.441	.168	.254	.744	.736	.576	.737	.470
	N	22	22	22	20	20	20	17	17	17
GPD destination country per capita	R	.121	.070	.178	-.047	.132	.117	-.037	.092	.078
	Sig	.593	.757	.427	.842	.580	.623	.886	.726	.765
	N	22	22	22	20	20	20	17	17	17
GDP growth per capita	R	.304	-.375	-.020	.197	-.340	-.256	.095	-.253	-.221
	Sig	.169	.085	.929	.406	.143	.277	.716	.328	.395
	N	22	22	22	20	20	20	17	17	17
change in unemployment rate 01/02	R	.133	.157	.264	.088	.225	.305	.208	.111	.252
	Sig	.556	.487	.234	.711	.341	.191	.423	.671	.329
	N	22	22	22	20	20	20	17	17	17
unemployment rate	R	.112	-.308	-.152	.049	-.302	-.306	.042	-.335	-.344
	Sig	.621	.164	.499	.837	.195	.190	.872	.189	.176
	N	22	22	22	20	20	20	17	17	17
unemployment rate - national minus foreign born	R	.449*	-.439*	.068	.155	-.375	-.329	.176	-.308	-.238
	Sig	.041	.046	.770	.527	.113	.169	.514	.246	.376

GLOBAL		All Countries			Excluding North America			Europe		
		ref	hum	comb	ref	hum	comb	ref	hum	comb
born	N	21	21	21	19	19	19	16	16	16
rate of natural increase x1000	R	.294	-.250	.076	.237	-.198	-.073	.168	-.043	.057
	Sig	.184	.261	.736	.314	.402	.760	.519	.869	.829
	N	22	22	22	20	20	20	17	17	17
diplomatic relations	R	.456*	-.355	.147	.314	-.290	-.127	.319	-.264	-.094
	Sig	.033	.105	.514	.177	.214	.593	.212	.305	.719
	N	22	22	22	20	20	20	17	17	17
average recognition rate 92/01	R	.891*	-.447*	.503*	.645*	-.476*	-.133	.626*	-.472	-.138
	Sig	.000	.042	.020	.003	.040	.588	.009	.065	.611
	N	21	21	21	19	19	19	16	16	16
provision for humanitarian protection	R	-.671*	.484*	-.248	-.589*	.428	.109	-.633*	.338	-.019
	Sig	.001	.022	.265	.006	.060	.647	.006	.185	.941
	N	22	22	22	20	20	20	17	17	17
legal ruling on non-state actors complicity requirement	R	-.153	.048	-.115	.048	-.012	.016	.096	-.105	-.063
	Sig	.559	.854	.661	.864	.966	.955	.755	.734	.838
	N	17	17	17	15	15	15	13	13	13
change in cases pending between beginning and end of year	R	.467	-.219	.275	.525	-.194	.205	.601	-.282	.175
	Sig	.079	.433	.321	.054	.506	.482	.050	.401	.607
	N	15	15	15	14	14	14	11	11	11

Appendix B: Correlations - Origin-specific recognition rate

ORIGIN-SPECIFIC		All Countries			Excluding North America			Europe		
		ref	**hum**	**comb**	**ref**	**hum**	**comb**	**ref**	**hum**	**comb**
% of asylum seekers found to be refugees	R	1	**-.155***	.654**	1	-.070	.538**	1	-.046	.453**
	Sig	.	.049	.000	.	.413	.000	.	.615	.000
	N	163	161	161	143	141	141	123	121	121
% of asylum seekers given humanitarian status	R	-.155*	1	.646**	-.070	1	.803**	-.046	1	.869**
	Sig	.049	.	.000	.413	.	.000	.615	.	.000
	N	161	161	161	141	141	141	121	121	121
% of asylum seekers given other positive status	R	.654**	.646**	1	.538**	.803**	1	.453**	.869**	1
	Sig	.000	.000	.	.000	.000	.	.000	.000	.
	N	1	161	162	141	141	142	121	121	122
change in applications 01/02	R	.018	-.051	-.025	.081	-.063	-.007	-.071	-.064	-.090
	Sig	.830	.554	.766	.373	.490	.943	.464	.512	.355
	N	140	138	139	123	121	122	108	106	107
diplomatic presence	R	.015	**-.302****	**-.219****	**-.184***	**-.274****	**-.340****	-.044	**-.305****	**-.289****
	Sig	.853	.000	.005	.028	.001	.000	.630	.001	.001
	N	163	161	162	143	141	142	123	121	122
genocide/politicide	R	-.087	.060	-.022	-.081	.052	-.004	-.093	.041	-.009
	Sig	.267	.447	.784	.335	.540	.958	.307	.657	.918
	N	163	161	162	143	141	142	123	121	122
ethnic war	R	.051	**.286****	**.258****	.142	**.284****	**.325****	**.214***	**.286****	**.361****
	Sig	.520	.000	.001	.091	.001	.000	.017	.001	.000
	N	163	161	162	143	141	142	123	121	122
adverse regime change	R	.003	**.209****	**.172***	.108	**.194***	**.237****	.172	.172	**.248****
	Sig	.967	.008	.029	.199	.021	.005	.058	.059	.006
	N	163	161	162	143	141	142	123	121	122
revolutionary war	R	.029	**.165***	.140	-.016	**.181***	.136	.010	.158	.137
	Sig	.715	.036	.076	.853	.031	.107	.914	.083	.132
	N	163	161	162	143	141	142	123	121	122
State Failure composite score	R	.025	**.306****	**.253****	.098	**.299****	**.311****	.166	**.281****	**.334****
	Sig	.749	.000	.001	.245	.000	.000	.066	.002	.000
	N	163	161	162	143	141	142	123	121	122
political and civil rights	R	.095	**.340****	**.331****	**.192***	**.341****	**.400****	**.181***	**.352****	**.401****
	Sig	.227	.000	.000	.022	.000	.000	.045	.000	.000
	N	163	161	162	143	141	142	123	121	122
political rights	R	.074	**.308****	**.290****	.163	**.309****	**.354****	.158	**.320****	**.359****
	Sig	.345	.000	.000	.052	.000	.000	.081	.000	.000
	N	163	161	162	143	141	142	123	121	122

ORIGIN-SPECIFIC		All Countries			Excluding North America			Europe		
		ref	**hum**	**comb**	**ref**	**hum**	**comb**	**ref**	**hum**	**comb**
civil rights	R	.117	**.366****	**.369****	**.219****	**.367****	**.439****	**.201***	**.377****	**.435****
	Sig	.137	.000	.000	.009	.000	.000	.026	.000	.000
	N	163	161	162	143	141	142	123	121	122
GDP ppp adjusted	R	-.105	**-.197***	**-.239****	-.101	**-.212***	**-.245****	-.137	**-.218***	**-.268****
	Sig	.182	.012	.002	.231	.012	.003	.132	.016	.003
	N	163	161	162	143	141	142	123	121	122
life expectancy	R	-.034	**-.268****	**-.237****	-.152	**-.259****	**-.315****	**-.206***	**-.252****	**-.333****
	Sig	.667	.001	.002	.070	.002	.000	.022	.005	.000
	N	163	161	162	143	141	142	123	121	122
refugees generated by origin countries	R	-.009	**.345****	**.257****	.093	**.331****	**.335****	.099	**.317****	**.332****
	Sig	.914	.000	.001	.270	.000	.000	.275	.000	.000
	N	163	161	162	143	141	142	123	121	122
Islamic country of origin	R	.004	**.288****	**.223****	.067	**.283****	**.279****	.125	**.258****	**.292****
	Sig	.962	.000	.004	.426	.001	.001	.168	.004	.001
	N	163	161	162	143	141	142	123	121	122
political terror scale	R	**.208****	**.249****	**.345****	**.195***	**.276****	**.344****	**.211***	**.290****	**.357****
	Sig	.008	.001	.000	.019	.001	.000	.019	.001	.000
	N	163	161	162	143	141	142	123	121	122
interstate war	R	.058	-.106	-.037	-.100	-.098	-.142	-.070	-.076	-.103
	Sig	.462	.180	.644	.236	.249	.092	.439	.405	.261
	N	163	161	162	143	141	142	123	121	122

Appendix C: Diplomatic relationships - data on foreign missions

Data on foreign missions extracted from the following web resources on 28 June 2004:

- Austrian Foreign Ministry: http://www.bmaa.gv.at
- Belgian Department of Foreign Affairs, Foreign Trade and Development Cooperation: http://www.diplomatie.be/en/addresses/abroad/default.asp
- Ambassade Info Danmark: http://www.ambassade.dk/countries.php3
- Ministry of Foreign Affairs for Finland: http://formin.finland.fi/doc/eng/services/links/missions1.html#lähetystö
- French Ministry of Foreign Afairs: http://www.expatries.diplomatie.fr/annuaires/annuaires.htm
- Germany - The Federal Foreign Office: http://www.auswaertiges-amt.de/www/en/laenderinfos/adressen/
- Ministry of Foreign Affairs, Hellenic Republic: http://www.mfa.gr/english/the_ministry/missions/
- Sweden - Ministry for Foreign Affairs, Regeringskanslet: http://www.swedenabroad.com/pages/welcome.asp
- Ireland – Department of Foreign Affairs: http://foreignaffairs.gov.ie/embassies/default.asp?m=e
- Luxembourg Tourist Office: http://www.luxembourg.co.uk/embassies.html
- The Netherlands – Ministry of Foreign Affairs: http://www.minbuza.nl/default.
- Norwegian Ministry of Foreign Affairs: http://www.norway.info/splash.aspx
- Portuguese Ministry of Foreign Affairs: http://secomunidades.pt/postos.php
- Spanish Ministry of Foreign Affairs: http://www.mae.es/
- Swiss Ministry of Foreign Affairs: http://www.eda.admin.ch/eda/e/home/emb/addch.html
- Britain: Foreign and Commonwealth Office: http://www.fco.gov.uk/servlet/
- Canada - Department of Foreign Affairs and International Trade http://www.dfait-maeci.gc.ca/world/embassies/menu-en.asp
- US Department of State: http://usembassy.state.gov/
- Australia – Department of Foreign Affairs and Trade: http://www.dfat.gov.au/missions/
- New Zealand: Ministry of Foreign Affairs and Trade: http://www.nzembassy.com/
- Japan – Ministry of Foreign Affairs: http://www.mofa.go.jp/about/emb_cons/mofaserv.html
- Italy – Ministry of Foreign Affairs: http://www.esteri.it/eng/2_11_6.asp