



Not Just the Facts: Adjudicator Bias and Decisions of the Immigration and Refugee Board of Canada (2006-2011)

Innessa Colaiacovo¹
Brown University

Executive Summary

The Immigration and Refugee Board of Canada (IRB) is Canada's largest administrative tribunal. The Refugee Protection Division (RPD) of the IRB is responsible for the adjudication of refugee claims made in Canada. In accordance with its obligations under international law, Canada grants protection to persons who have a well-founded fear of persecution because of race, nationality, religion, political opinion, or membership in a particular social group. In addition, a person may request protection in Canada on the basis of his or her fear of torture, risk to life or risk of cruel and unusual treatment or punishment. Acceptance (approval) rates of claims vary widely across members of the IRB, with some granting asylum in less than 10 percent of cases, and others granting asylum in more than 90 percent of cases. Despite this fact, there is a lack of analysis exploring whether grant rates vary systematically in relationship to observed characteristics of adjudicators. This paper presents statistical analysis of over 68,000 refugee claims adjudicated by 264 members of the board from 2006 to 2011. It finds that the probability of acceptance is associated with individual members' characteristics including education, gender, and professional experience, when holding constant the claimant's country of origin, gender, and the year and regional office of adjudication. The findings suggest that the identity of the adjudicator affects whether or not an individual receives asylum.

¹ I am grateful to Rachel Friedberg for her valuable guidance, comments, and suggestions. Any mistakes that remain are my own.

Introduction

In 1969 Canada ratified the United Nations Convention Relating to the Status of Refugees and its Protocol. To meet its important obligations under international law, Canada must provide protection to persons who have a well-founded fear of persecution because of race, nationality, religion, political opinion, or membership in a particular social group. In addition, a person may request protection in Canada on the basis of his or her fear of torture, risk to life or risk of cruel and unusual treatment or punishment.

Since 1989, refugee protection claimants have had the right to a hearing before the Refugee Protection Division (RPD) of the Immigration and Refugee Board of Canada (IRB). In recent years, the IRB has come under scrutiny for wide variation in asylum grant rates among individual board members. Some board members grant status in nearly all claims that they adjudicate, while others almost never grant status (Rehaag 2008; Schmitz 2011; Sheppard 2012a). In an explanatory note published in 2008, the IRB states that disparities in board member grant rates are attributable to the diversity of cases with which each board member is confronted.²

This paper investigates whether the gender, ethnicity, education and prior work experience of adjudicators influence the probability that a refugee claim is successful in Canada. To address this question, data on board member characteristics was compiled from government press releases and linked to administrative records of over 68,000 refugee claims adjudicated from 2006 to 2011 which were made publicly available through Access to Information Requests.

The analysis concludes that, holding constant all available information about the claim (claimant's gender, country of origin, and the year and office in which the claim was adjudicated), the probability that a claim is accepted (approved) is correlated with the board member's characteristics. Otherwise stated, acceptance or denial of claims is partially a function of factors that are unrelated to the claim itself.

Canada's Refugee Status Determination System

This section provides background on the Canadian refugee determination system as it operated between 2006 and 2011. The current system (from 2012 onward) differs substantially due to reforms passed in 2010 and 2012.

There are two principal routes to accessing refugee protection in Canada: the selection of refugees abroad and the determination of refugee claims made from within Canada, also referred to as inland claims (Becklumb 2008). Overseas refugees are selected for admission to Canada as permanent residents on humanitarian grounds and sponsored for resettlement by the government or non-governmental agencies. The *Immigration and Refugee Protection Act* provides for the protection of inland claimants who establish that they are either Convention refugees or "persons in need of protection," defined as

² The Explanatory Note on Members' Decisions is available online at: http://ccrweb.ca/documents/rehaag/11_IRBExplanatoryNote.pdf

individuals whose removal to their country of origin would subject them to danger of torture, cruel and unusual treatment or punishment or risk to life.³ This paper is concerned with inland refugee claims and decisions rendered by the Refugee Protection Division (RPD) of the IRB.

The IRB is Canada's largest administrative tribunal, rendering decisions in over 40,000 refugee and immigration matters each year (Public Service Commission of Canada 2009). Refugee claims are heard by the RPD, which has offices in five major cities: Toronto, Montreal, Ottawa, Vancouver, and Calgary. In addition, the Montreal office sends board members to Halifax, Nova Scotia roughly biannually to hear claims in the Maritime region. Each claim is adjudicated by one board member.

IRB members are appointed by the Governor in Council based on the recommendation of the Minister of Citizenship and Immigration Canada (Public Service Commission of Canada 2009, ii). Board members in the study sample were administered written tests, screened and interviewed by IRB officials, external experts and panels "representative of Canadians," before being recommended by the Minister for appointment (Public Appointments Commission Secretariat 2007).

A claim for refugee protection can be made either at a port of entry or at an office of Citizenship and Immigration Canada. If a claimant is found eligible by an immigration officer to make a claim for protection, the claim is referred to the IRB for determination and the claimant is issued an order of conditional removal which takes effect if the claim is rejected. There are both principal and derivative claims to persecution. For example, if a woman fears persecution based on her activities as a member of a political opposition group and her husband alleges persecution based on his wife's activities, then hers is the principal claim and his is the derivative claim, and both claims are adjudicated in the same hearing. A derivative claim can only be well-founded if the principal claim is determined to be well-founded.⁴ At a refugee determination hearing, a claimant is entitled to a designated representative. This representative does not have to be a lawyer.

Once a board member hears a case, he or she can accept the claim upon the conclusion of the hearing or in a written decision mailed to the claimant at a later date. In the case of a positive decision, no written reasons are required from the board member. Negative decisions are always sent by mail, and must be accompanied by written explanation.

A fast-track expedited process is used to decide on claims of certain types or countries of origin (Becklumb 2008). In this process, a claimant is interviewed by a Refugee Protection Officer who makes a recommendation about the claim to a board member. The board member then decides whether to accept a claim with or without a full hearing. Because the expedited process is not solely at the discretion of the board member and results in different outcomes (if the recommendation is not favorable, then a full hearing is held and there is no immediate negative decision), these cases are excluded from this study.

The *Immigration and Refugee Protection Act* provides for the creation of a Refugee Appeal

³ *Immigration and Refugee Protection Act*, SC 2001, c 27, <http://canlii.ca/t/5243f>.

⁴ For the legal precedent, see *Klinko v. Canada* (Minister of Citizenship and Immigration), [1998] F.C.J. No. 561 (F.C.T.D.)

Division. However, the Refugee Appeal Division was not implemented until December of 2012 through provisions of the *Balanced Refugee Reform Act* and the *Protecting Canada's Immigration System Act*.⁵ Prior to implementation, failed claimants could petition the Federal Court of Appeal for judicial review of the RPD's decision (Becklumb 2008).⁶ Applications for judicial review comprised a large portion of the total applications to the Court of Appeal (5,298 out of 9,386 cases in 2010). However, in practice leave was rarely granted. In 2010, only 14 percent of applications were granted leave to appeal (Schmitz 2011).⁷ The absence of any other venue for appeal beyond federal court review means that refugee hearings are essentially binding.

Research on Asylum Outcomes and Judicial Decision Making

This paper contributes to a growing body of empirical research on the outcome of asylum applications. In the US context, a 2006 analysis of 297,240 asylum cases (spanning fiscal years 1994-2005) by the Transactional Records Access Clearinghouse at Syracuse University found large variation in the decision making of immigration judges, similar to that observed across IRB adjudicators. The study reported that “denial rates for the 208 judges ranged from a low of 10 percent to a high of 98 percent” (TRAC 2006). The inclusion of immigration judge characteristics in analyses of decision making was part of a seminal 2007 study entitled, “Refugee Roulette: Disparities in Asylum Adjudication.” The study examined 140,428 asylum cases adjudicated between January 1, 2000 and August 31, 2004 using logit specifications to test for the impact of immigration judge characteristics on the probability of refugee claim success (Ramji-Nogales, Schoenholtz, and Schrag 2007). Regression controls include the judge's age, gender, previous employment, caseload and cases per court, years on the bench, and the president whose attorney general appointed the judge (396). In addition, regressions control for the number of dependents a refugee claimant had in the United States, the national freedom ranking for the asylum seeker's country of origin, and the average weekly earnings in the immigration court's state. The analysis found significant positive effects on grant probability if the judge had previous experience in a non-governmental organization or was female and significant negative effects if the judge had previously worked for the Immigration and Naturalization Service (INS) and other governmental departments.⁸

In Canada, media attention has focused on the wide disparities between individual board member grant rates, which were highlighted by the release of 2011 claims data by the IRB (Sheppard 2012b). Patterns in Canadian refugee adjudication were addressed by Sean

5 For more information on the legislative changes that established a Refugee Appeal Division within the IRB, see: <http://www.irb-cisr.gc.ca/Eng/RefApp/Pages/RadSarC31Impact.aspx>.

6 In accordance with the *Federal Courts Act*, the grounds for judicial review of decision of the RPD include: the body acted without, beyond or refused to exercise its jurisdiction; failed to observe a principle of natural justice or procedural fairness; erred in law in making its decision; based its decision on an erroneous finding or fact; acted fraudulently or in any other way contrary to law (Becklumb 2008).

7 Note that this percentage only represents the number of cases granted leave to appeal, not the percentage of cases which are successfully appealed.

8 These results are available on the study's accompanying website: <http://www.law.georgetown.edu/humanrightsinstitute/refugeeroulette.htm>.

Rehaag's study of RPD decisions from 2006 which found that, "while patterns in case assignment do affect grant rates, they do not account for the full variations evident in the data. Rather, outcomes in refugee adjudication appear to hinge, at least in part, on the identity of the adjudicator assigned" (Rehaag 2008, 335). To reach this conclusion, Rehaag separated positive decisions from expedited positive decisions and focused on the board members who had adjudicated the greatest number of cases from certain countries. The analysis shows that individual board members deviate from the overall average grant rates by large margins and deviations vary even among board members who are adjudicating cases from the same country. For example, of the five board members who adjudicated the greatest number of cases from China in 2006, one board member had a grant rate 27 percent above the board average while another had a grant rate 24 percent below (Rehaag 2008). In a subsequent study, Rehaag (2011) investigated the role of gender in hearings conducted from 2004 to 2008 and found that the grant rate of female board members was lower. The major limitation of this work is that no controls are added to account for the fact that male and female board members may differ along other dimensions such as education level or prior work experience. Thus, the results could be driven by these omitted variables.

This paper furthers the analysis of the board's decisions by using a larger, multi-year sample and more sophisticated empirical techniques. The methodology allows the present analysis to hold more case characteristics constant, examine the entire board for whom data was available (not just the adjudicators hearing the most cases), and consider individual factors that might influence the decision-making of adjudicators. The present analysis performs regressions that include gender both individually and along with other board member characteristics. In addition, it uses a richer set of controls. Rather than country-year grant rates, this paper uses binary variables for country of origin and year of adjudication as well as office of adjudication and claimant gender. Rehaag concludes that, "in Canada, male adjudicators were 6 percent more likely to grant refugee status than their female counterparts" (Rehaag 2011, 648). In fact, the present analysis shows that with a more robust set of controls, the impact of gender is actually the opposite. A case has a higher probability of success if the adjudicator is female.

The analysis of refugee status determinations is also related to a broader literature on judicial decision-making. Variation in the leniency of decision-makers has been used as an instrumental variable in studies that seek to estimate the causal effects of interventions such as criminal sentences (Aizer and Doyle 2011) and foster care placement (Doyle 2007) on long-term outcomes. Several studies also investigate the effect of individual judge characteristics on case outcomes. Shayo and Zussman (2011) analyzed decisions in Israeli small claims courts from 2000 to 2004 and found that a claim is 17 to 20 percent more likely to be accepted if the judge is of the same ethnicity as the plaintiff, representing a difference in award of \$200 per case. In addition, they found that in the wake of a terrorist attack, both Arab and Jewish judges favor plaintiffs of their own ethnicity. Similarly, in the context of bail decisions in Israeli courts where judges are randomly assigned to defendants, Gazal-Ayal and Sulitzeanu-Kenan found "systematic evidence of ethnic in-group bias in the decision to detain or release on bail" (Gazal-Ayal and Sulitzeanu-Kenan 2010, 404), though the methodology does not allow them to determine whether this is the result of preferential treatment due to shared ethnicity or punitive treatment of outsiders. In US federal court cases, Kulik, Perry and Pepper surveyed 143 judges adjudicating allegations

of sexual harassment, and found that after controlling for several case characteristics, “plaintiffs were more likely to win their cases if the judge was younger or if he had been appointed by a Democratic President” (2003, 79). An advantage of these studies is that assignment of cases to judges was random, and therefore disparities in grant rates should not be attributable to case characteristics, since each case has an equal chance of being assigned to a given judge. The issue of random versus non-random assignment of cases to adjudicators will be addressed in the discussion of this paper’s methodology below.

Data

Administrative data on refugee hearing outcomes from 2006 to 2011 was obtained by Sean Rehaag through Access to Information Requests and is available on the website of the Canadian Council for Refugees (<http://ccrweb.ca>). Available variables vary slightly by year but include a unique entry for each individual case with a file number, the decision rendered, the date the decision was mailed, the claimant’s country of origin and gender, and the name of the board member who adjudicated the case. For the years 2006 to 2010, the data contain only the principal refugee claims, while the 2011 data contain both principal and derivative claims. For 2009, 2010, and 2011, data on whether or not the case was represented by counsel is also available. All of these variables are utilized in the analysis.

According to the raw data released, there were 83,125 principal refugee claims filed with the IRB from 2006 to 2011, a subset of which is used in the analysis. The primary restrictions on the data were the exclusion of claims without a board member identified (N=7,003) and the exclusion of cases resulting in an outcome other than a positive or negative decision (N=14,322).⁹ The cleaned dataset has 68,808 principal refugee claims made by claimants from 189 countries and adjudicated by 264 board members. Table 1 shows the number of claims and the grant rate by office and year, and Tables 2 and 3 show the top 25 countries represented in the sample across all years by number of cases and grant rate, respectively.

Qualitative information about board members was obtained from online press releases that were issued at the time of their appointment and/or reappointment. The majority of the information came from the website of Citizenship and Immigration Canada (<http://www.cic.gc.ca>). Older releases were obtained using archived copies of the website retrieved from the Internet Archive. Data was not available for all board members. Of the 264 board members in the entire sample, at least partial data was available for 230 of them. The board members with missing information adjudicated a total of 3,439 cases, or 5 percent of the sample. The approval rate for cases heard by board members for whom data was not available was 57 percent compared to 46 percent for the entire sample. This higher grant rate is probably due in part to the fact that the average number of cases heard by a board member with missing data was much lower than the average number heard by the board members for whom data was available between 2006 and 2011: 101 compared to 284.

⁹ This includes mainly fast-track expedited claims, claims that were abandoned or discontinued, and claims that were withdrawn.

Table 1: Grant Rate by Office and Year

Year	Toronto		Montreal		Vancouver	
	Claims (N)	Grant Rate (%)	Claims (N)	Grant Rate (%)	Claims (N)	Grant Rate (%)
2006	4544	54.80	2196	49.30	620	59.20
2007	3407	58.70	1591	40.60	460	45.90
2008	4001	55.10	2071	32.80	607	49.40
2009	6592	52.20	3055	33.50	805	39.50
2010	8555	47.70	3605	36.50	973	27.40
2011	9842	47.30	3842	31.10	1011	30.60
2006-2011	36953	51.10	16366	36.30	4479	39.60

Year	Ottawa		Calgary		National (All)	
	Claims (N)	Grant Rate (%)	Claims (N)	Grant Rate (%)	Claims (N)	Grant Rate (%)
2006	129	64.30	160	60.60	10077	51.10
2007	191	72.80	100	61.00	7104	51.00
2008	330	80.60	158	72.80	7910	47.90
2009	377	79.30	224	46.40	11369	47.10
2010	450	70.90	698	33.70	15059	43.00
2011	219	28.80	705	38.30	17259	41.40
2006-2011	1696	68.90	2045	43.10	68808	45.80

Notes: This table shows the number of claims adjudicated, and the grant rate (% of claims where refugee status was granted) for each office in the year indicated.

Table 2: Top 25 Countries (Number of Cases), 2006-2011

	Number of Cases (N)	Share of all cases (%)	Grant Rate (%)
	(1)	(2)	(3)
Mexico	11181	16.2507	15.6963
Haiti	6539	9.5039	47.2396
China	6464	9.3949	58.6788
Colombia	4166	6.0550	61.9539
Nigeria	2484	3.6103	54.8712
Sri Lanka	2468	3.5871	79.3760
Saint Vincent	1815	2.6380	38.6226
India	1771	2.5740	33.2016
Pakistan	1362	1.9796	52.1292
Zimbabwe	1242	1.8052	74.6377
Democratic Republic of the Congo	1093	1.5886	63.8609
El Salvador	1091	1.5857	29.9725
Saint Lucia	949	1.3793	40.5690
United States of America	941	1.3677	0.4251
Iran	883	1.2834	81.0872
Somalia	862	1.2529	93.6195
Turkey	805	1.1700	63.4783
Honduras	798	1.1598	26.6917
Albania	775	1.1264	44.3871
Jamaica	744	1.0813	38.9785
Ukraine	697	1.0130	60.1148
Israel	678	0.9854	15.4867
Russia	583	0.8473	68.2676
Lebanon	556	0.8081	42.6259
Guatemala	552	0.8023	35.5072

Notes: This table shows the top 25 countries represented in the sample of all regular decision inland refugee claims heard in Canada 2006-2011 (N=68808). Column (1) shows the total number of cases, Column (2) gives the share of total cases and Column (3) gives the grant rate (or fraction of cases from that country where refugee status was granted).

Table 3: Grant Rate of Top 25 Countries, 2006-2011

	Number of Cases (N)	Share of all cases (%)	Grant Rate (%)
	(1)	(2)	(3)
Somalia	862	1.2529	93.6195
North Korea	135	0.1962	91.1111
Eritrea	309	0.4491	87.7023
Belarus	90	0.1308	82.2222
Myanmar (Burma)	80	0.1163	81.2500
Uganda	330	0.4796	81.2121
Iran	883	1.2834	81.0872
Djibouti	74	0.1076	81.0811
Afghanistan	481	0.6991	80.6653
Sri Lanka	2468	3.5871	79.3760
Iraq	463	0.6729	78.4017
Sudan	74	0.1076	77.0270
Nepal	316	0.4593	76.8987
Ethiopia	488	0.7093	76.0246
Zimbabwe	1242	1.8052	74.6377
Swaziland	61	0.0887	73.7705
Bulgaria	135	0.1962	73.3333
Azerbaijan	53	0.0770	71.6981
Kenya	349	0.5072	71.3467
Libya	94	0.1366	70.2128
Rwanda	516	0.7500	70.1550
Tanzania	78	0.1134	69.2308
Uzbekistan	110	0.1599	69.0909
Russia	583	0.8473	68.2676
Cote d'Ivoire	124	0.1802	65.3226

Notes: This table shows the countries with the highest grant rate for inland refugee claims heard in Canada 2006-2011 (N=68803), of the countries with at least 50 refugee claims in the sample. Column (1) shows the total number of cases, Column (2) gives the share of total cases and Column (3) gives the grant rate (or fraction of cases from that country where refugee status was granted).

A total of nine board member characteristics were recorded for the analysis. For each board member, the following was recorded: gender; possession of a law degree; previous work for the IRB in another capacity or work for Citizenship and Immigration Canada (CIC); previous work with refugees or immigrants; previous work for human rights organizations; previous work in law enforcement; other adjudication experience; education outside of Canada and the United States; and date of appointment to the board.

For a minority of board members, the appointment date was explicitly specified in the press release. In all other cases, the date of the press release was taken as the appointment date. This was used to calculate a variable equal to the time elapsed between the board member's first appointment and the date each individual case was mailed. Examples of each board member's characteristics are provided in Table 4. Table 5 shows the number and percent of board members in each office who have these characteristics, and Table 6 shows the number and percent of cases in each office adjudicated by a board member with each characteristic.

Limitations

A major threat to the identification strategy of this study is the possibility that refugee claims are not randomly assigned to board members and that unseen case characteristics could therefore be driving the results. For example, if all refugee cases dealing with the persecution of Christians were assigned to male board members, and having a male board member was found to negatively impact the probability that a refugee claim is accepted, the correlation could be due to the board member gender (which is observed in the data) or it could be because these specific types of cases are less likely to be accepted and they all get assigned to board members of this gender (which is unobserved in the data).

It is unclear whether case assignment by the IRB is random. One board statement claims that members "are often grouped into specialized geographical teams so that they can develop expertise in specific country conditions" (quoted in Rehaag 2008, 343). To ascertain if selective case assignment might confound this analysis, a chi-squared test was performed to test the association between the board member identity and the number of cases heard from each of the five countries with the most claims adjudicated in Toronto, which is the IRB's largest regional office. The five countries, China, Mexico, Colombia, Haiti, and Nigeria, account for 42 percent of all Toronto claims in the sample.

The results indicate that these cases are not assigned to board members based on country of origin. The five p-values produced by these tests are all statistically insignificant, ranging from 0.329 to 0.391. This is not definitive proof that case assignment by the IRB is truly random, but it is evidence that counters the IRB statement suggesting otherwise. If the IRB is assigning cases non-randomly based on country, it does not appear to be doing so with the most common countries in the sample at its largest office. This finding mitigates concerns that associations found between board member characteristics and the probability of claim success are being driven by an unobserved factor. In addition, all regressions in the study control for a claim's country of origin.

Table 4: Board Member Characteristics

Board Member Characteristic	Example(s)
Male	
Law degree	JD, LLB, Masters of Law, Certificate of Law, Paralegal Diploma
Master's degree	
Previous work with Immigrants or refugees	Immigration Law (private practice, legal aid) Immigration Consultant UNHCR Canadian Council for Refugees Settlement Services (e.g. Edmonton Mennonite Center for Newcomers)
Previous work for the IRB/CIC	Previously worked for the IRB in another capacity (eg. Operations Branch) Previously worked for Citizenship and Immigration Canada, or the Canadian Board Services Agency (eg. Immigration officer, Pre-removal risk assessment officer)
Previous work for human rights organizations	Canadian Human Rights Tribunal
Previous adjudication experience	National Parole Board, Social Assistance Review Board, Ontario Rental Housing Tribunal
Foreign educated	Educated outside Canada or the US
Previous work in law enforcement	Parole Officer, Police officer

Table 5: Board Member Characteristics by Office

	Toronto		Motreal		Vancouver	
	N	%	N	%	N	%
Panel A						
Total number of board members in each office	113	.	63	.	21	.
Panel B: Member Characteristics						
Male	60	53.6	36	57.1	11	52.4
Law degree	40	36	35	58.3	11	52.4
Master's degree	33	29.7	14	23.3	2	9.5
Previous work with immigrants	12	10.8	11	18.3	5	23.8
Previous work for the IRB/CIC	15	13.6	14	23.7	0	0
Previous work for human rights organization	2	1.8	3	5	0	0
Previous adjudication experience	14	12.6	0	0	2	9.5
Educated outside Canada or the US	9	8.1	8	13.3	2	9.5
Previous work in law enforcement	6	5.4	3	5	3	14.3
	Ottawa		Calgary		National	
	N	%	N	%	N	%
Panel A						
Total number of board members in each office	4	.	7	.	264	.
Panel B: Member Characteristics						
Male	3	75	2	28.6	124	53.9
Law degree	2	50	1	14.3	96	43.2
Master's degree	0	0	3	42.9	59	26.6
Previous work with immigrants	1	25	2	28.6	31	14
Previous work for the IRB/CIC	0	0	0	0	32	14.5
Previous work for human rights organization	0	0	0	0	7	3.2
Previous adjudication experience	1	25	0	0	19	8.6
Educated outside Canada or the US	0	0	0	0	21	9.5
Previous work in law enforcement	0	0	1	14.3	15	6.8

Notes: Panel A shows the number of board members from each office with the characteristic indicated in the first column. Panel B gives the total number of board members from each office in the sample. Note that board member characteristics are not mutually exclusive, so numbers in the characteristic breakdown may not sum to the total. For example, a board member in the Toronto office who is male, holds a law degree, and was educated outside of Canada or the United States, would be counted in three rows. In addition, the numbers in the five offices may not sum to the national total because of incomplete data: in some instances the board member's characteristic was available (i.e. gender) but his or her office of appointment was not.

Table 6: Number of Cases Adjudicated by Board Member Characteristics

	Toronto		Montreal		Vancouver	
	N	%	N	%	N	%
Panel A						
Total Cases	36953	.	16366	.	4478	.
Panel B: Cases by member characteristics						
Male	20844	57.8	8592	52.5	2110	47.1
Law degree	12514	34.8	10547	65	2641	59
Master's degree	11781	32.8	3875	23.9	569	12.7
Previous work with immigrants	3188	8.9	3214	19.8	403	9
Previous work for the IRB/CIC	4913	13.7	3696	23	0	0
Previous work for human rights organizations	57	0.2	1252	7.7	0	0
Previous adjudication experience	4519	12.6	0	0	799	17.8
Educated outside Canada or the US	3300	9.2	1433	8.8	198	4.4
Previous work in law enforcement	1148	3.2	477	2.9	382	8.5
	Ottawa		Calgary		National	
	N	%	N	%	N	%
Panel A						
Total Cases	1696	.	2045	.	68803	.
Panel B: Cases by member characteristics						
Male	1503	88.6	305	14.9	36228	55.4
Law degree	1447	85.3	242	11.8	29552	45.7
Master's degree	0	0	957	46.8	18580	28.7
Previous work with immigrants	193	11.4	654	32	7652	11.8
Previous work for the IRB/CIC	0	0	0	0	9317	14.5
Previous work for human rights organization	0	0	0	0	2096	3.2
Previous adjudication experience	193	11.4	0	0	6148	9.5
Educated outside Canada or the US	0	0	0	0	5174	8
Previous work in law enforcement	0	0	63	3.1	2378	3.7

Notes: Panel A shows the number of cases adjudicated in each office. Panel B shows the number of cases adjudicated in each office by a board member with the characteristic indicated in the first column. Note that board member characteristics are not mutually exclusive, so numbers in the characteristic breakdown may not sum to the total. For example, a case adjudicated by a board member in the Toronto office who is male, holds a law degree, and was educated outside of Canada or the United States, would be counted in three rows. In addition, the numbers in the five offices may not sum to the national total because of incomplete data. In some instances the board member's characteristic was available (i.e. gender) but his or her office of appointment was not.

Estimation Strategy

The effect of board member characteristics on the probability that a refugee claim is accepted is tested using three empirical specifications, detailed below. The outcome of interest in all regressions performed is a binary variable that is equal to 1 if a refugee claim is accepted and 0 if it is rejected. Because the outcome is binary in all cases, the functional form chosen for the regression model is a probit model. Both the coefficients and discrete changes are presented in the results section. Linear specifications were run as a check and are not presented.

Equation 1

The aim of the first specification is to hold constant all available information about the refugee claim and test for statistically significant correlations between the observable characteristics of the board members and the probability a claim is accepted. The equation is:

$$y_i = \beta_0 + (\text{member characteristics})_i \gamma + \beta_1 \text{claimant gender}_i + \beta_2 \text{country}_i + \beta_3 \text{year}_i + \beta_4 \text{office}_i + \varepsilon_i$$

The dependent variable, y , is claim acceptance/rejection. The outcome is modeled to be a function of the board member characteristics described in Table 4 with fixed effects for the claimant's country of origin and gender as well as the office and year in which the claim was adjudicated. The office fixed effect is intended to capture both the fact that different offices may have different informal or unofficial standards and expectations that influence board members and that even within nationalities, refugees may sort across offices according to characteristics not observed in the data. The year fixed effect controls for the downward trend in grant rate over time evident in Table 1. The vector of coefficients of interest is represented by (γ) .

Equation 2

The analysis is then extended by interacting board member gender with the claimant gender to test for any marginal effects on the probability that a claim is accepted. In the specification below, the variable "gender" takes a value of 1 if the board member is male and 0 if the board member is female. The variable "claimant gender" takes a value of 1 if the claimant is male and 0 if female. The variable "gender interaction" takes a value of 1 if both the claimant and the board member are male.

$$y_i = \beta_0 + \alpha_1 \text{gender}_i + \alpha_3 \text{gender interaction} + \beta_1 \text{claimant gender}_i + \beta_2 \text{country}_i + \beta_3 \text{year}_i + \beta_4 \text{office}_i + \varepsilon_i$$

This regression is run both with and without controlling for the other board member characteristics listed in Table 7.

Equation 3

A third specification restricts the analysis to years 2009-2011 which contain information on whether a claim had a designated representative. The goal is to determine whether there

is a differential impact of the board member having a law degree depending on whether or not a case is represented.

$$y_i = \beta_0 + \lambda_1 \text{lawdegree}_i + \lambda_2 \text{representedclaim} + \lambda_3 \text{repinteraction} + \beta_1 \text{claimantgender}_i + \beta_2 \text{country}_i + \beta_3 \text{year}_i + \beta_4 \text{office}_i + \varepsilon_i$$

In this equation, the variable “lawdegree” takes a value of 1 if the board member has a law degree, “represented claim” takes a value of 1 if the refugee claimant has a designated representative, and “repinteract” takes a value of 1 if the claim is represented and the board member has a law degree.

Finally, the first specification is repeated using only the data from 2011 when information was available on whether a principal claim had associated derivative claims. A dummy variable (“derivative”) equal to 1 was added if the principal claim is associated with derivative claims.

$$y_i = \beta_0 + \kappa_1 \text{derivative} + \beta_1 \text{claimantgender}_i + \beta_2 \text{country}_i + \beta_3 \text{year}_i + \beta_4 \text{office}_i + \varepsilon_i$$

Results and Interpretation

Results of the empirical specifications described above suggest that board member characteristics do have an impact on the probability that a refugee claim is accepted.

Results of Equation 1

The correlation between board member characteristics and the probability of claim acceptance is reported in Table 7, which shows the coefficients, and Table 8, which shows the discrete changes, or change in the predicted probability that a claim is accepted associated with changes in the independent variables.¹⁰ All regressions include fixed regressions are first run including each board member characteristic individually (Columns 1-10) and then effects for claimant gender, country of origin as well as office and year of adjudication, and all characteristics together (Column 11). Results are similar between the regressions that include only one characteristic and the final regression which includes all characteristics, with the one exception of the coefficient on previous experience with human rights issues. Differences are noted in the discussion that follows.

GENDER

A male adjudicator is associated with a negative discrete change in grant probability of 2.7 to 1.7 percentage points. The magnitude of the effect shrinks when controlling for other board member characteristics, but remains statistically significant. There is not a large published economics literature on the effect of a judge’s gender on case outcomes. The question does receive attention in legal scholarship, but it is often theoretical. Kulik, Perry

¹⁰ Discrete change = $P(Y|X', X_b = 1) - P(Y|X', X_b = 0)$ where Y is the outcome, X_b is the variable of interest, and X' is the vector of all other variables.

and Pepper found no significant effect of gender on case outcomes in their analysis of American federal sexual harassment cases (2003, 80), while a 2005 study published in the *Yale Law Journal* found that female judges rule in favor of the plaintiff in sexual harassment cases at higher rates than male counterparts (Peresie 2005). As a judge or adjudicator's gender is one of the most easily observable pieces of information, this is a promising area for further study in other judicial and quasi-judicial contexts.

EDUCATION

The board member's education also has a statistically significant association with the outcome of refugee hearings. More highly educated board members are associated with higher grant probabilities. A board member with a law degree was associated with a higher probability of claim acceptance on the order of 3 or 4 percentage points. Here too, the effect attenuates when additional characteristics are included. Similarly, having a master's degree was associated with a probability increase on the order of 1 to 2 percentage points. A board member who was educated outside of the US or Canada was associated with a large and highly significant impact on grant rates of 8.5 percentage points. This variable may be capturing a different aspect of education than years of schooling (as measured by advanced degrees). It might be thought of as the effect of a board member with higher than average experience with intercultural interaction, or it may be a proxy for board members with origins or ties outside of Canada, both of which are factors that may make a board member better able to communicate with or more sympathetic to refugee claimants. It should be noted that educational experiences vary greatly even within the group of board members who are educated abroad and there is potential for further research to make additional distinctions. The 21 board members classified as having foreign postsecondary education were educated in a diverse set of countries including: Barbados, China, Germany, Ethiopia, India, Israel, Japan, Malta, the Philippines, Poland, Japan, and the United Kingdom. The qualifications that they received abroad also vary.

PRIOR WORK EXPERIENCE

Previous occupations also yielded significant discrete changes. Previous work with immigrants or refugees was associated with a 4 percentage point increase in the probability of claim acceptance. Similarly, previous employment with the IRB or CIC was associated with a 5 percentage point increase in the probability that a claim was accepted.

Perhaps the most counterintuitive result is that previous work with human rights organizations is associated with a large negative change in the probability of claim acceptance. *A priori*, one might expect that previous involvement with organizations concerned with human rights would lead a board member to be especially sympathetic to claims that human rights are at risk of being violated. This surprising result is perhaps attributable to small sample size. Only 7 board members had previous work with human rights organizations which corresponds to 2,096 cases (3.05 percent) in the sample.¹¹ Thus, the sample may not have

¹¹ The human rights organizations for which the board members worked include: UNHCR; Canadian Human Rights Tribunal; Canadian Human Rights Foundation; International Committee of the Red Cross; International Center for Democratic Development; Human Rights Commission of Quebec; Human Rights Tribunal of Quebec; and the Coalition for Visible Minority Women.

Table 7: Board Member Characteristics

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
Male	-0.0670*** (0.0115)										-0.0434*** (0.0134)
Law degree		0.101*** (0.0122)									0.0683*** (0.0141)
Masters			0.0286** (0.0129)								0.0549*** (0.0149)
Prev. work IRB/CIC				0.0165 (0.0169)							0.129*** (0.0189)
Prev. work immigrants					0.0867*** (0.0176)						0.0955*** (0.0199)
Prev. work human rights						0.313*** (0.0408)					-0.954*** (0.105)
Prev. adjudication experience							0.0337* (0.0200)				0.200*** (0.0239)
Foreign educated								0.217*** (0.0204)			0.214*** (0.0227)
Prev. work law enforcement									-0.243*** (0.0326)		-0.0606* (0.0335)
Elapsed time										0.0000425*** (0.00000585)	0.0000424*** (0.00000610)
N	60451	60170	60170	59864	60170	60170	60170	60170	60170	60170	52828

Notes: Standard errors are shown in parentheses. Significance Levels: * p<0.10 ** p<0.05 *** p<0.01. All regressions include fixed effects for the claimant's gender and country of origin as well as the office and year in which the claim was adjudicated.

Table 8: Board Member Characteristics (Marginal Effects)

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
Male	-0.0265*** (0.00456)										-0.0171*** (0.00530)
Law degree		0.0401*** (0.00483)									0.0269*** (0.00556)
Masters			0.0113** (0.00511)								0.0217*** (0.00590)
Prev. work IRB/CIC				0.00651 (0.00670)							0.0511*** (0.00753)
Prev. work Immigrants					0.0344*** (0.00699)						0.0378*** (0.00793)
Prev. work human rights						0.124*** (0.0161)					-0.306*** (0.0229)
Prev. adjudication experience							0.0133* (0.00794)				0.0794*** (0.00951)
Foreign educated								0.0862*** (0.00813)			0.0850*** (0.00904)
Prev. work Law enforcement									-0.0937*** (0.0122)		-0.0238* (0.0131)
Elapsed time										0.0000168*** (0.00000231)	0.0000167*** (0.00000241)
N	60451	60170	60170	59864	60170	60170	60170	60170	60170	53166	52828

Notes: This table shows discrete changes from the probit regression. Standard errors in parentheses. Significance Levels: * p<0.10 ** p<0.05 *** p<0.01. All regressions include fixed effects for the claimant's gender and country of origin as well as the office and year in which the claim was adjudicated.

enough power to capture the effect of working in these organizations or the unobserved characteristics of individuals who select into these professions. In addition, what constitutes previous work with “human rights” was the most subjectively measured characteristic. Another possibility is that domestic and international human rights issues are differentiated, so concern for one does not necessarily correspond to concern for the other. If this is the case, then involvement with domestic human rights case, then involvement with domestic human rights issues through organizations such as the Canadian Human Rights Tribunal is not a proxy for concern with human rights issues in foreign countries, and may not predispose a board member to be sympathetic to refugee claimants.

Previous adjudication experience also yielded a potentially surprising result. Experience evaluating or critiquing claims might either desensitize or sensitize adjudicators to claims of persecution. In any event, in the final regression, previous experience as an adjudicator is associated with an eight percentage point increase in the probability of claim acceptance. It could be speculated that board members may be inclined to grant status on the margin to mitigate the cost of high rates of appeal of negative decisions.

Other than gender, and one possibly spurious result from the coefficient on “human rights,” the other characteristic associated with a decline in the probability of claim acceptance was previous experience in law enforcement. This effect is slightly larger in magnitude than the effect of a male board member. It could be conjectured that those with a background in law enforcement are more oriented and accustomed to scrutinizing credibility than members of the general population because those jobs demand a higher level of vigilance and suspicion. As a result, they are harsher adjudicators.

ELAPSED TIME

Finally, the elapsed time between a board member’s first appointment and the date the decision was mailed had a negligible impact on the probability of case acceptance. However, with better timing data, more detailed analysis of how the grant rates of board members evolves over time would be an extremely valuable area for future study.

Results of Equation 2

After testing for correlations between board member characteristics and grant probability, a gender interaction term (a variable equal to 1 if both the board member and claimant are both male) was added to test for differential effects of board member gender. Table 9 shows the results.

The discrete changes reveal that, relative to female claimants, male claimants’ probability of claim approval is ten percentage points lower. Part of this effect may be driven by the fact that, in many regions of the world, women are particularly vulnerable to persecution or unable to seek state protection due to gender discrimination. It is also possible that female claimants are more likely to be accompanied by children and board members may be more likely to grant status on the margin if denying status would result in the deportation of a minor. If the board member is male, male refugee claimants face an additional three percentage point decline in the probability of claim success.

Interestingly, adding the gender interaction term resulted in the male board member variable becoming statistically insignificant. This suggests that the lower grant rates of male board members are driven by their adjudication of male claims. The discrete changes associated with other board member characteristics remained largely unchanged when controlling for board member and claimant gender.

Results of Equation 3

Table 10 reports the results of the third specification which, for years 2009-2011, repeats the analysis while controlling for whether or not a claim is represented. The results confirm that a refugee claim that has a designated representative has an enormous advantage. Representation is associated with an increase in the probability of success by 24 percentage points. This is not only capturing the benefit of counsel, but also unobserved differences between refugee claimants who have the ability (resources, language skills, network of peers, etc.) to obtain representation and those who do not. This may also capture differences between regions. Some localities may have more legal aid and nonprofit support for refugee claimants than others. Moreover, this estimate likely understates the benefits of counsel because abandoned claims are excluded from this analysis, and those without representation may be more likely to abandon a claim either willfully or by missing important legal deadlines. For 2009-2011, while only 11 percent of claims in the entire sample had no representation, 60 percent of the abandoned claims had no representation.

An interaction term was included that is equal to 1 if the claim was represented and the board member had a law degree. *A priori*, both positive and negative effects could be theorized. Perhaps a similar legal training would allow adjudicator and counsel to better communicate or allow counsel to speak more persuasively, or perhaps this would foster an adversarial relationship. However, no statistically significant effect was observed.

Derivative Claims

A major shortcoming of this analysis is the lack of information available about the details of the refugee claim. Other than country of origin and gender, usable characteristics of the claimant were unavailable for the period studied. Some data that were available on claim characteristics such as “type of persecution” was incomplete and not standardized across years. Table 11 attempts to make a final, coarse distinction between types of refugee claims by taking advantage of the fact that in 2011 a file of all refugee claims, including both principal and derivative claims was released. Crucially, the records of derivative claims also included the file number of the principal claim, allowing derivative and principal claims to be linked. As noted previously, derivative claims can only be successful if the associated principal claim is determined to be well-founded. Having a derivative claim associated with a principal claim can be thought of as a proxy for a claimant having a family.

An indicator variable was added to the regression analysis to test whether the probability of success changes if multiple claims depend on the principal claim’s success. As shown in Table 11, a derivative claim is associated with an approximately six percentage point increase in the probability of success. This could suggest that board members are more reluctant to deny refugee status in cases where a negative decision would result in the

Table 9: Claimant/Member Gender Interaction

	Coefficient	Marginal Effect	Coefficient	Marginal Effect
	(1)	(2)	(3)	(4)
Male board member	-0.0159 (0.0186)	-0.00629 (0.00737)	0.00942 (0.0206)	0.00371 (0.00814)
Male claimant	-0.260*** (0.0173)	-0.103*** (0.00683)	-0.254*** (0.0184)	-0.100*** (0.00726)
Male interaction	-0.0830*** (0.0232)	-0.0328*** (0.00912)	-0.0859*** (0.0249)	-0.0338*** (0.00977)
Law degree			0.0687*** (0.0141)	0.0271*** (0.00556)
Masters			0.0549*** (0.0149)	0.0217*** (0.00591)
Prev. work IRB/CIC			0.129*** (0.0189)	0.0510*** (0.00753)
Prev. work immigrants			0.0945*** (0.0199)	0.0374*** (0.00793)
Prev. work human rights			-0.954*** (0.104)	-0.306*** (0.0229)
Prev. adjudication experience			0.200*** (0.0238)	0.0793*** (0.00950)
Foreign educated			0.214*** (0.0227)	0.0852*** (0.00904)
Prev. law enforcement			-0.0600* (0.0335)	-0.0236* (0.0131)
Elapsed time			0.0000421*** (0.00000611)	0.0000166*** (0.00000241)
N	60451	60451	52828	52828

Note: Standard errors are shown in parentheses. Significance levels: * p<0.10 ** p<0.05 *** p<0.01. "Male interaction" is a dummy variable that takes a value of 1 if both the board member and claimant are male.

Table 10: Counsel Interaction

	Coefficient	Marginal Effect	Coefficient	Marginal Effect
	(1)	(2)	(3)	(4)
Law degree	0.238*** (0.0662)	0.0922*** (0.0256)	0.132* (0.0728)	0.0515* (0.0283)
Represented claim	0.707*** (0.0482)	0.240*** (0.0132)	0.699*** (0.0514)	0.240*** (0.0143)
Counsel interaction	-0.0562 (0.0676)	-0.0218 (0.0262)	-0.0309 (0.0741)	-0.0120 (0.0288)
Claimant gender	-0.310*** (0.0147)	-0.121*** (0.00572)	-0.298*** (0.0155)	-0.117*** (0.00607)
Gender			-0.0676*** (0.0165)	-0.0263*** (0.00642)
Masters			-0.0185 (0.0178)	-0.00719 (0.00694)
Prev. work IRB/CIC			0.121*** (0.0208)	0.0476*** (0.00819)
Prev. work immigrants			0.0239 (0.0253)	0.00931 (0.00990)
Prev. work human rights			-0.671 (0.432)	-0.227* (0.116)
Prev. adjudication experience			0.265*** (0.0313)	0.105*** (0.0124)
Foreign educated			0.180*** (0.0276)	0.0710*** (0.0110)
Prev. work in law enforcement			-0.129*** (0.0413)	-0.0493*** (0.0156)
Elapsed time			0.0000602*** (0.00000760)	0.0000235*** (0.00000296)
N	40272	40272	36450	36450

Note: Standard errors are shown in parentheses. Significance levels: * p<0.10 ** p<0.05 *** p<0.01. "Counsel interaction" is a dummy variable that takes a value of 1 if the refugee claim had a designated representative and the board member had a law degree.

deportation of or denial of status to additional people. It could also suggest that additional claimants providing corroborating accounts are an evidentiary gain for a refugee claim. This analysis is limited by its smaller sample size, as data on derivative claims was only available for a single year. In this smaller sample, “previous work with human rights organizations” was dropped from the regression due to collinearity.

While seemingly small, the magnitude of the effect of adjudicator characteristics on claim outcomes should be considered in relation to the board average grant rate of 46 percent (see Table 1). The positive effect of having an adjudicator with previous adjudication experience is 8 percentage points (see Table 8, column 11), or a 17 percent increase in grant probability (8/46). Table 3 presents the countries with the 25 highest claim success rates in the sample (of all countries with at least 50 cases in the data). Interpreting these effects another way, a 17 percent increase in grant probability would move a claim up the list in Table 3 sixteen places from #19 Kenya (with a 71 percent grant rate) to #3 Eritrea (with an 88 percent grant rate).

Conclusion

Absolute uniformity is neither a realistic nor a desirable goal in the adjudication of asylum claims. Claims from the same country can be founded on radically different grounds, and even claimants alleging the same type of persecution can be differentially credible. Ideally, decision making with such serious consequences would be made carefully and with consistency across adjudicators. This analysis has shown that the probability a claim is accepted is correlated with adjudicator characteristics even when accounting for claimant gender, country of origin, year and office processed. Moreover, these effects may vary according to the claimant’s characteristics. The findings suggest that board members are not approaching cases *tabula rasa* but rather their decisions are influenced by their educational and professional backgrounds.

The findings could support two types of policy interventions: preventative or compensatory. These policy approaches are not mutually exclusive, and may in fact be most effective when implemented together. Preventative policies would seek to mitigate the variation in grant rates and the correlations with adjudicator characteristics by changing either the selection process or the training of board members to create an administrative tribunal that comes to more impartial decisions. However, as previous work has shown, judges in courts of law make decisions that are correlated with their own biases. Recognizing that this subjective element can never fully be purged from judicial or quasi-judicial decision making, the second category of policy response would compensate for this by incorporating greater checks and balances such as creating avenues for appealing decisions or broadening the grounds for appeal.

Canada has implemented changes to its refugee determination system following the passage of the *Balanced Refugee Reform Act of 2010* and the *Protecting Canada’s Immigration System Act* (Bill C-31). Beginning in 2012, a new Refugee Appeal Division handles appeals due to questions of law, fact, or a combination of both.¹² However, the opening of an appeals process also coincides with legislative changes under Bill C-31 which exclude

¹² *Balanced Refugee Reform Act 2010* [Canada], Chapter 17, Bill C-11, 1 August 2010, available at: http://laws-lois.justice.gc.ca/eng/annualstatutes/2010_8/page-1.html

Table 11: Derivative Claims in 2011

	Coefficient	Marginal Effect	Coefficient	Marginal Effect
	(1)	(2)	(3)	(4)
Dependent	0.144*** (0.0248)	0.0528*** (0.00920)	0.159*** (0.0266)	0.0584*** (0.00995)
Claimant gender	-0.207*** (0.0215)	-0.0757*** (0.00790)	-0.194*** (0.0233)	-0.0710*** (0.00859)
Gender			-0.0559* (0.0256)	-0.0203* (0.00933)
Masters			-0.211*** (0.0261)	-0.0753*** (0.00915)
Prev. work IRB/CIC			0.0379 (0.0306)	0.0138 (0.0112)
Prev. work immigrants			-0.143*** (0.0389)	-0.0504*** (0.0133)
Prev. work human rights				
Prev. adjudication experience			0.178*** (0.0461)	0.0666*** (0.0176)
Foreign educated			0.345*** (0.0394)	0.131*** (0.0155)
Law enforcement			-0.422*** (0.0643)	-0.138*** (0.0182)
Elapsed time			-0.00013*** (0.0000109)	-0.0000477*** (0.00000393)
N	18396	18396	16051	16051

Note: Standard errors are shown in parentheses. Significance levels: * p<0.10 ** p<0.05 *** p<0.01.

“Dependent” takes a value of 1 if a refugee claim has associated derivative claims.

exclude appeals by applicants from “Designated Countries of Origin” (DCOs). Countries are designated based on historical rejection rates above 75 percent or withdrawal rates of 60 percent. Additional countries are designated at the discretion of the Minister of Citizenship and Immigration and include those “that do not normally produce refugees, but do respect human rights and offer state protection” (Citizenship and Immigration Canada 2013).¹³ CIC states that the aim of this policy is to “deter abuse of the refugee system by people who come from countries generally considered safe...[and] ensure that people in need get protection fast, while those with unfounded claims are sent home quickly” (ibid.).

Unfortunately, the probability of success of all refugee claims is associated with board member characteristics, even when holding constant country of origin. Thus, all cases are subject to bias, both those that are permitted an appeal and those that are not. Moreover, the historical rate of rejection, which is applied as a criterion for Designated Countries of Origin, may also be influenced by the observed associations. The creation of an appeals process represents a positive step, but it is only a partial check on the subjective element of quasi-judicial decision making.

REFERENCES

- Aizer, Anna and Joseph Doyle. 2011. *Juvenile Incarceration and Adult Outcomes: Evidence from Randomly-assigned Judges*. Working Paper. http://www.law.yale.edu/documents/pdf/LEO/J.Doyle.swingjudges_03032011.pdf.
- Amnesty International. 2012. “Government’s Refugee Reform Bill No Longer ‘Balanced.’” February 17. <http://www.amnesty.ca/media2010.php?DocID=1315>.
- Becklumb, Penny. 2008. *Canada’s Inland Refugee Protection System*. Parliamentary Information and Research Service, BP-185E. <http://www.parl.gc.ca/content/lop/researchpublications/bp185-e.pdf>.
- Citizenship and Immigration Canada. “Designated Countries of Origin.” Last modified June 17, 2013. <http://www.cic.gc.ca/english/refugees/reform-safe.asp>
- Doyle, Joseph. 2007. “Child Protection and Child Outcomes: Measuring the Effects of Foster Care.” *The American Economic Review* 97(5): 1583-1610.
- Gazal-Ayal, Oren and Raanan Sulitzeanu-Kenan. 2010. “Let My People Go: Ethnic In-Group Bias in Judicial Decisions- Evidence from a Randomized Natural Experiment.” *Journal of Empirical Legal Studies* 7(3): 403-28.
- Kulik, Carol T., Elissa L. Perry, and Molly B. Pepper. 2003. “Here Comes the Judge: The Influence of Judge Personal Characteristics on Federal Sexual Harassment Case Outcomes.” *Law and Human Behavior* 27(1): 69-86.
- Peresie, Jennifer L. 2005. “Female Judges Matter: Gender and Collegial Decision-making in the Federal Appellate Courts.” *Yale Law Journal* 114: 1759-90.

¹³ A list of Designated Countries of Origin is available at: <http://www.cic.gc.ca/english/refugees/reform-safe.asp>.

- Public Appointments Commission Secretariat. 2007. *Governor in Council Appointments Process: Immigration and Refugee Board*. Government of Canada. <http://www.cic.gc.ca/english/pdf/pub/irb-annexes.pdf>.
- Public Service Commission of Canada. 2009. *Audit of the Immigration and Refugee Board of Canada*. Government of Canada. <http://www.psc-cfp.gc.ca/adt-vrf/rprt/2009/airb-vcisr/index-eng.htm>.
- Ramji-Nogales, Jaya, Andrew I. Schoenholtz, and Phillip G. Schrag. 2007. "Refugee Roulette: Disparities in Asylum Adjudication." *Stanford Law Review* 60: 295-411.
- Rehaag, Sean. 2011. "Do Women Refugee Judges Really Make a Difference? An Empirical Analysis of Gender and Outcomes in Canadian Refugee Determinations." *Canadian Journal of Women and the Law* 23: 627-2011.
- Rehaag, Sean. 2008. "Troubling Patterns in Canadian Refugee Adjudication." *Ottawa Law Review* 39(2): 335-65.
- Schmitz, Cristin. 2011. 'Massive difference' in refugee cases." *The Lawyers Weekly*, December 16. <http://www.lawyersweekly.ca/index.php?section=article&articleid=1559>
- Shayo, Moses, and Asaf Zussman. 2011. "Judicial Ingroup Bias in the Shadow of Terrorism." *The Quarterly Journal of Economics* 126 (3): 1447-84.
- Sheppard, Mary. 2012a. "Refugee Claims Show Inconsistent Approval Rates." *CBC News*, March 12. <http://www.cbc.ca/news/canada/story/2012/03/09/refugee-claims-rehaag-data.html>.
- . 2012b. "Refugee system 'a disgrace,' advocate says." *CBC News*, March 12. <http://www.cbc.ca/news/canada/story/2012/03/12/refugees-reaction-data.html>.
- Transactional Records Access Clearinghouse (TRAC). 2006. "Immigration Judges." Syracuse, New York: Syracuse University. <http://trac.syr.edu/immigration/reports/160/>.