Chapter 3 Methodological Appendix

We omitted most descriptive statistics from Chapter 3, partially because many of the most interesting results that can be uncovered by these simple statistics are reported in Chapter 2. Below, in Table A3.1 we present the standard descriptive statistics for the variables included in the various models that follow as well as information on how we gathered this data.

Table A3.1: Descriptive Statistics

Variable	Mean	Std. Dev.	Min	Max
Judicial Policy Preference				
Asylum Liberalism	1.253	0.908	0.000	4.076
US Material & Security Interests				
Log of Trade with US	8.108	2.947	-2.207	13.262
US Military Aid	0.703	0.456	0	1
Top Ten Illegal Immigration	0.292	0.454	0	1
World Bank Development Class	1.749	1.661	1	4
Human Rights Conditions				
Democracy (Polity)	1.184	0.838	0	2
Human Rights Abuse (PTS-St. Dept.)	3.482	0.835	1	5
Interaction Terms				
Log of Trade*Asylum Liberalism	10.486	9.632	-8.996	53.373
Military Aid*Asylum Liberalism	0.860	0.916	0.000	4.0755
Top Ten Illegal*Asylum Liberalism	0.308	0.609	0.000	4.076
World Bank Development*Asylum Liberalism	1.955	2.227	0.000	13.227
Democracy*Immigration Liberalism	1.396	1.583	0.000	8.151
Human Rights Abuse*Immigration Liberalism	4.372	3.439	0.000	20.3778
Controls				
Judge Woman	0.319	0.466	0	1
English Speaker	0.111	0.214	0	1
Arabic Speaker	0.022	0.148	0	1
Legal Representation	0.788	0.409	0	1
National Unemployment (1 Month Lag)	0.056	0.014	0.038	0.100
IIRIRA Expedited Removal	0.783	0.412	0	1
IIRIRA One Year Bar	0.726	0.445	0	1
Real ID	0.294	0.456	0	1
Nine Eleven	0.003	0.056	0	1
Affirmative Application	0.620	0.485	0	1
Detention Status	0.313	0.629	0	2

Modeling Results

In Chapter 3 we did not present the traditional table of results since the substantive effects of the variables are more interesting than the coefficients and their standard errors. Nevertheless, some readers may wish to see the results in full in order to assess the accuracy of our substantive

evaluations. To this end we present, in Table A3.2 the full specifications for each of the models we rely on in Chapter 3.

Table A3.2: Full Model Results

Variables	Random Intercept, 1990-2010	Random Intercept, 1999-2010	Stereotype Logit
Judicial Policy Preference			
Asylum Liberalism (+)	0.18 (.06)	0.37 (.07)	0.26 (.15)
US Material & Security Interests			
Log of Trade with US (-)	-0.13 (.00)	-0.12 (.00)	0.09 (.01)
US Military Aid (-)	-0.12 (.02)	-0.02 (.02)	-0.05 (.06)
Top Ten Illegal Immigration (-)	-1.10 (.02)	-1.12 (.02)	-1.34 (.13)
World Bank Development Class (+)	0.12 (.01)	0.12 (.01)	0.05 (.06)
Human Rights Conditions			
Democracy (Polity) (-)	-0.35 (.01)	-0.38 (.01)	-0.48 (.05)
Human Rights Abuse (PTS-St. Dept.) (+)	0.31 (.01)	0.34 (.01)	0.24 (.06)
Interaction Terms			
Log of Trade*Asylum Liberalism	-0.01 (.00)	-0.00 (.00)	-0.00 (.01)
Military Aid*Asylum Liberalism	0.05 (.01)	-0.00 (.01)	0.01 (.03)
Top Ten Illegal*Asylum Liberalism	0.03 (.01)	-0.00 (.02)	0.03 (.08)
World Bank Development*Asylum Liberalism	0.07 (.01)	0.02 (.01)	0.02 (.03)
Democracy*Immigration Liberalism	0.01 (.01)	0.03 (.01)	0.06 (.03)
Human Rights Abuse*Immigration Liberalism	0.01 (.00)	-0.04 (.01)	-0.03 (.03)
Controls			
Judge Woman (+)	0.31 (.11)	0.37 (.12)	0.44 (.15)
English Speaker (+)	0.13 (.01)	0.19 (.01)	0.11 (.05)
Arabic Speaker (+/-)	0.10 (.02)	0.16 (.02)	0.11 (.07)
Legal Representation (+)	0.30 (.01)	0.32 (.01)	0.30 (.04)
National Unemployment (1 Month Lag) (-)	-0.08 (.40)	-8.17 (.56)	-6.62 (1.72)
IIRIRA Expedited Removal	0.23 (.02)	---	---
IIRIRA One Year Bar	0.11 (.02)	---	---
Real ID	0.51 (.01)	0.19 (.02)	0.19 (.04)
Nine Eleven (-)	0.06 (.06)	0.20 (.06)	0.15 (.09)
Affirmative Application (+)	0.16 (.01)	0.24 (.01)	0.26 (.04)
Detention Status (-)	-0.39 (.01)	-0.41 (.01)	-0.41 (.05)
Elapsed Time (+)	0.01 (.00)	0.01 (.00)	0.01 (.00)
Stereotype Logit Parameters			
Phi 1--No Relief	---	---	1
Phi 2--CAT Withholding	---	---	0.75 [0.58, 0.91]
Phi 3--Withholding	---	---	0.18 [0.06, 0.30]
Phi 4--Asylum	---	---	0
Variance of Random Intercept	0.85 (.04)	0.91 (.04)	---
N	511138	363515	363515
Clusters (IJs)	330	321	321
Wald Chi-Square	51153.29 (p = 0.000)	30489.17 (p = 0.000)	1635.21 (p = 0.000)

Simple Model (No Interactions)

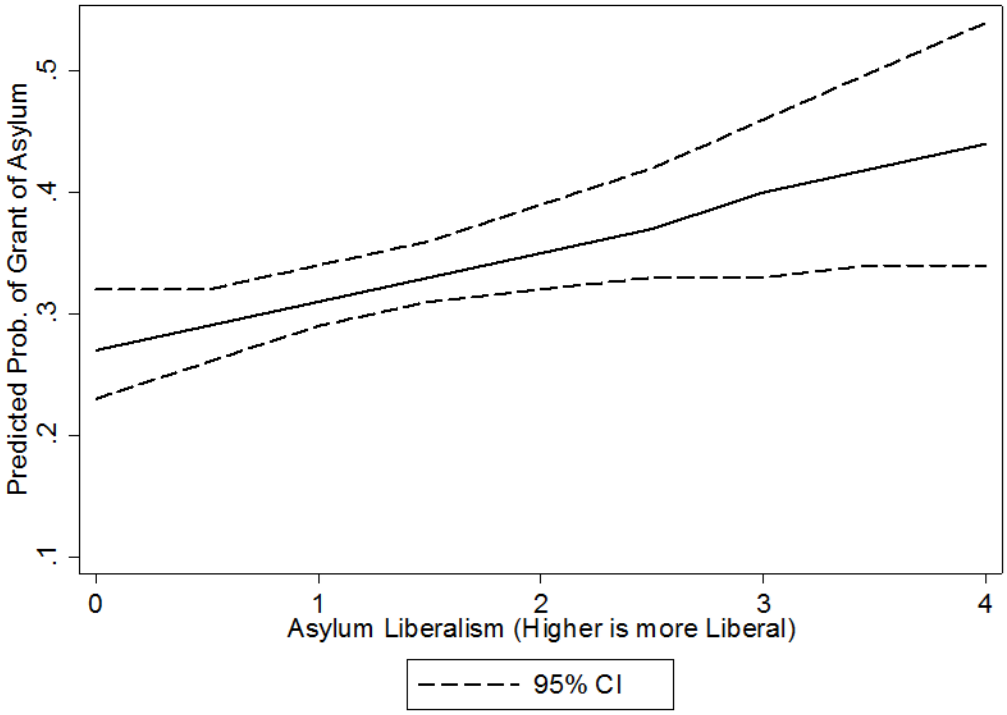
To facilitate easier interpretation, we have also included a version of the stereotype logit model shown above without any interactions. Table A3.3 displays the model coefficients, standard errors and marginal effects for each of the variables.

Table A3.3: Stereotype Logit, No Interactions

Variables	Coeff.	Robust S.E.	Marginal Effect
Judicial Policy Preference			
Asylum Liberalism (+)	0.23	0.09	0.13 [.07, .19]
US Material & Security Interests			
Log of Trade with US (-)	-0.09	0.01	0.15 [.15, .15]
US Military Aid (-)	-0.04	0.03	---
Top Ten Illegal Immigration (-)	-1.30	0.08	-0.23 [-.26, -.20]
World Bank Development Class (+)	0.08	0.03	0.05 [.03, .06]
Human Rights Conditions			
Democracy (Polity) (-)	-0.40	0.03	-0.14 [-.16, -.13]
Human Rights Abuse (PTS-St. Dept.) (+)	0.20	0.03	0.014 [.14, .14]
Controls			
Judge Woman (+)	0.44	0.15	0.08 [.03, .13]
English Speaker (+)	0.11	0.05	0.02 [.00, .04]
Arabic Speaker (+/-)	0.11	0.07	---
Legal Representation (+)	0.30	0.04	0.05 [.04, .07]
National Unemployment (1 Month Lag) (-)	-6.69	1.72	
Democratic Administration (+)	0.19	0.05	0.03 [.02, .05]
Real ID	0.19	0.04	0.03 [.02, .05]
Nine Eleven (-)	0.15	0.09	---
Affirmative Application (+)	0.26	0.04	0.05 [.03, .06]
Detention Status (-)	-0.41	0.05	-0.13 [-.14, -.13]
Elapsed Time (+)	0.01	0.00	0.21 [.20, .21]
Phi1	1		
Phi2	0.75 [.58, .91]		
Phi3	0.17 [.05, .30]		
Phi4	0		
N	363515		
Wald χ^2	1537.44 (p = 0.000)		

To further illustrate the unconditional effect of IJ ideology, we present Figure A3.1 below, demonstrating the change in the likelihood of a grant of asylum across the range of IJ asylum liberalism.

Figure A3.1: Unconditional Effect of IJ Ideology



Random Intercept Model Stability

One of the difficulties in estimating a model with a dichotomous dependent variable and a random intercept is that likelihood estimate for the model must be approximated. The recommended estimation strategy for this approximation is adaptive quadrature (Rabe-Hesketh and Skrondal 2012). The accuracy of adaptive quadrature depends on the number of integration points used in the approximation process, with large numbers of integration points leading to potentially more accurate estimates. To ensure that the random intercept models that we present in Chapter 3 are accurate to a reasonable degree of precision we estimated each of the models twice: once with one integration point (a Laplace estimation procedure) and then again with three integration points. Evidence for the stability of the estimations can be seen by comparing the change in the standard errors between different numbers of integration points. Little change between models with different numbers of integration points is evidence for stability. In Table A3.4 we present the results of these comparisons which demonstrate a comforting amount of stability in the estimates—there are no differences in the standard errors to three decimal places across the models.

Table A3.4: Model Stability Comparison

Variables	Model 1: Two-Level, Random Intercept; 1990-2010; 1 integration point	Model 1: Two-Level, Random Intercept; 1990-2010; 3 integration points
Judicial Policy Preference		
Asylum Liberalism	0.065	0.065
US Material & Security Interests		
Log of Trade with US	0.002	0.002
US Military Aid	0.016	0.016
Top Ten Illegal Immigration	0.020	0.019
World Bank Development Class	0.012	0.011
Human Rights Conditions		
Democracy (Polity)	0.009	0.009
Human Rights Abuse (PTS-St. Dept.)	0.008	0.008
Interaction Terms		
Log of Trade*Asylum Liberalism	0.002	0.002
Military Aid*Asylum Liberalism	0.009	0.009
Top Ten Illegal*Asylum Liberalism	0.013	0.013
World Bank Development*Asylum Liberalism	0.007	0.007
Democracy*Immigration Liberalism	0.006	0.006
Human Rights Abuse*Immigration Liberalism	0.005	0.005
Controls		
Judge Woman	0.109	0.109
English Speaker	0.011	0.011
Arabic Speaker	0.022	0.022
Legal Representation	0.010	0.010
National Unemployment (1 Month Lag)	0.400	0.400
IIRIRA Expedited Removal	0.022	0.022
IIRIRA One Year Bar	0.020	0.020
Real ID	0.015	0.015
Nine Eleven	0.057	0.057
Affirmative Application	0.010	0.009
Detention Status	0.008	0.008
Elapsed Time	0.0002	0.0002
Random Intercept	0.038	0.038

Data Sources

Below, in Table A3.5, we detail the sources for the data used to construct variables in this chapter and in most of the remaining empirical chapters. Actual sources are in the footnotes that accompany the table.

Table A3.5: Data Sources and Coding

Judicial Background
Gender and Career Socialization Data: The EOIR posts biographies of all new appointments to the bench, and while the biographies do not report gender, they do employ pronouns. To code career socialization or experience, presence of each characteristic was coded as a 1 and 0 if absent, based on our coding of EOIR biographies.[1]
U.S. Material & Security Interests
Total Trade (logged): Annual trade (the sum of bilateral exports and imports) between U.S. and the other country, logged. Source: Correlates of War Project Trade Data Set Codebook, Version 2.0. http://correlatesofwar.org.[2]
Recipients of U.S. military aid: Annual dummy variable depicting whether country of origin was a recipient of U.S. aid. Source: USAID 2008. "U.S. Overseas Loan and Grants." http://qesdb.cdie.org /gbk/index.html.[3]
Indicators of Bogus Asylum Seeker
Top Ten Undocumented Immigrant Countries: Dummy variable for the following countries: Mexico, El Salvador, Guatemala, Canada, Haiti, Philippines, Honduras, the Dominican Republic, Nicaragua, and Poland. Source: coded by Rottman, Fariss and Poe.[4]
World Bank Development Level: The World Bank categorizes countries, based upon 1995 GDP per capita into four levels which we assign the following values: (1) low income, (2) lower-middle income, (3) upper-middle income, and (4) high income. Source: World Bank.
Human Rights Factors
Polity IV Level of Democracy: Our measure of democracy is drawn from the Polity IV data set operationalizes institutionalized democracy as an additive scale which evaluates the competitiveness of political participation in the country, the openness and competitiveness of executive recruitment, and the constraints which are placed on the chief executive. Upon the advice of the creators of the scale, we operationalize this measure trichotomously, with 0 representing autocracy, 1 representing anocracy, and 2 representing democracy.[5]

[1] Related literature: Gender: Ramji-Nogales, Andrew I. Schoenholtz, and Philip G. Schrag, *Refugee Roulette: Disparities in Asylum Adjudication*. STAN. L. REV. 60(2): 295-411, 2007; Ramji-Nogales et al. 2007, Jaya Ramji-Nogales, Andrew I. Schoenholtz, Philip G. Schrag, and Edward Kennedy, REFUGEE ROULETTE: DISPARITIES IN ASYLUM ADJUDICATION AND PROPOSALS FOR REFORM (New York: New York University Press, 2009; Gerard S. Gryski, Eleanor C. Main, and William J. Dixon, *Social Backgrounds as Predictors of Votes on State Courts of Last Resort: The Case of Sex Discrimination.* WESTERN POLITICAL QUARTERLY 39: 528-37, 1986; and Donald Songer and Kelly Crews-Meyer, *Does Judge Gender Matter? Decision Making in State Supreme Courts.* SOCIAL SCIENCE QUARTERLY 81:750-762, 2000. Prosecutor experience: Sheldon Goldman, *Voting Behavior of the United States Courts of Appeals, 1961-1964.* AMERICAN POLITICAL SCIENCE REVIEW 60: 374-384, 1966; C. Neal Tate and Roger Handberg, *Time Building and Theory Building in Personal Attribute Models of Supreme Court Voting Behavior, 1916-88*. AMERICAN JOURNAL OF POLITICAL SCIENCE 35: 460–80, 1991; James J. Brudney, Sara Schiavoni, and Deborah J. Merritt, *Judicial Hostility Toward Labor Unions? Applying the Social Background Model to a Celebrated Concern* OHIO STATE LAW REVIEW, 60: 1675-1766, 1999. From FN 20 Sidney Ulmer, *Social Background as an Indicator to the Votes of Supreme Court Justices in Criminal Cases: 1947-1956 Terms* AMERICAN JOURNAL OF POLITICAL SCIENCE, 17: 622-30, 1973; C. Neal Tate. "Personal Attribute Models of the Voting Behavior of U. S. Supreme Court Justices: Liberalism in Civil Liberties and Economics Decisions, 1946-1978," AMERICAN POLITICAL SCIENCE REVIEW , 75: 355-67, 1981. Academic, INS, Non-profit, private practice were evaluated by Ramji-Nogales et al. 2009; Melissa Ocepek and Joel Fetzer. *The Causes of Liberal Voting in the United State Supreme Court* INTERNATIONAL MIGRATION REVIEW 44(3): 659-696, 2010.

[2] Related literature: Marc R. Rosenblum and Idean Salehyan, *Norms and Interests in US Asylum Enforcement,* JOURNAL OF PEACE RESEARCH 41(6): 677-697, 2004; Andy J. Rottman, Christopher J. Fariss and Steven C. Poe, *The Path to Asylum in the US and the Determinants for Who Gets In and Why,* INTERNATIONAL MIGRATION REVIEW 43(1): 3-34, 2009

[3] Related literature: *Id*

[4] Rottman, Fariss and Poe, Supra n. 10. Related literature: *Id.*

[5] Source: Monty G. Marshall and Keith Jaggers, 2000. "Polity IV Project: Political Regime Characteristics and Transitions, 1800-2010" Available online http://www.systemicpeace.org/polity/polity4.htm. Related literature: Steven C. Poe and C. Neal Tate, *Repression of Human Rights to Personal Integrity in the 1980s: A Global Analysis.* AMERICAN POLITICAL SCIENCE REVIEW 88: 853-872, 1994; Christian Davenport. STATE REPRESSION AND THE DOMESTIC DEMOCRATIC PEACE. Cambridge: Cambridge University Press, 2007.

Political Terror Scale: The Political Terror Scale is composed of two scales: one based on human rights accounts in the annual reports of the U. S. Department of State and one based on Amnesty International's annual reports, each of which assess human rights conditions in almost all the world's nations. The rating scale ranges from 0 to 4, with 1 assigned to states with the lowest, and 4 to states with the highest, levels of personal integrity abuse. The categories are as follows: (0) countries under a secure rule of law, people not imprisoned for their views, torture is rare or exceptional and political murders are rare; (1) a limited amount of nonviolent political activity, with few persons affected, torture and beating exception; (2) extensive recent history of political imprisonment, with execution or other political murder common and unlimited detention for political views accepted; (3) level 2 terror expanded to whole population with no limits on leaders' pursuit of goals.[6]
Applicant Characteristics
English-speakers and Arabic-speakers: Two dummy variables based on EOIR- reported language of the individual applicant. Source: FOIA requested data from the EOIR coded by authors.[7]
Legal Representation: 1 represents the assistance of a lawyer. Source: EOIR.[8]
Controls
National Unemployment: rate of national unemployment, in percent. Source: Bureau of Labor Statistics.[9]
Log Personal Income: personal income, logged. Source: Bureau of Labor Statistics.[10]
Real ID: dummy variable to denote if the case was decided after the implementation of the Real ID Act in 2005. Source: EOIR data, coded by authors.
Nine Eleven: dummy variable equal to one in September 2001; 0 otherwise. Source: EOIR Data, coded by authors.
Affirmative Application: dummy variable equal to one if the applicant applied for asylum while not is removal proceedings; 0 otherwise. Source: EOIR Data, coded by authors.
Detention Status: variable set to 0 if applicant was never detained, 1 if applicant was previously detained but is now free, and 2 if applicant is detained at time of hearing. Source: EOIR Data, coded by authors.

[6] Source: Mark Gibney's Political Terror Scale (see http://www.politicalterrorscale.org/).
[7] Related literature: Rottman, Fariss and Poe, Supra n. 10.
[8] Related literature: Ramji-Nogales et al., Supra n. 9; Transactional Record Access Center JUDGES SHOW DISPARITY IN DENYING ASYLUM, July 31, 2006. http://trac.syr.edu/immigration/reports/160/.
[9] Related literature: Eric Neumayer, *Asylum Destination Choice: What Makes some European Countries more Attractive than Others?* EUROPEAN UNION POLITICS, 5(2): 155-180, 2004.
[10] Related literature: Id.