HISTORY OF THE UNITED STATES INS ASYLUM OFFICER CORPS AND SOURCES OF AUTHORITY FOR ASYLUM ADJUDICATION

(Prepared by INS Asylum Program – HQASY - September, 1999)

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I. UNITED STATES PROTECTION OF REFUGEES - HISTORICAL PERSPECTIVE

A. Pre-1980

Ad Hoc Refugee Legislation

The basic domestic immigration legislation in force in the United States is the "Immigration and Nationality Act" (INA) passed in 1952. The INA did not expressly contain provisions to handle the resettlement of refugees or displaced persons. In order to fulfill its international obligations in this arena, the United States developed ad hoc legislation for the immigration of refugees (e.g., Displaced Persons Act of 6/25/48; Refugee Relief Act of 8/7/53; Fair Share Refugee Act of 7/14/60).

Attorney General's Parole Authority

Beginning in 1956, the United States began large-scale use of the Attorney General's parole authority under Section 212(d)(5) of the INA to bring refugees to the United States. In order to allow the refugees paroled into the US to adjust to lawful permanent resident status, Congress passed separate special legislation. (e.g., Hungarian Refugee Act of 7/25/58; Cuban Refugee Act of 11/2/66; Indochinese Refugee Act of 10/28/77; Refugee Parolee Act of 10/5/78).

INA Amendments of 1965

In 1965, Congress amended the INA to provide for the resettlement of refugees as a category of immigrants – conditional entrants. This was the first time that the United States enacted permanent refugee legislation. The term "refugee" was defined in geographical and political terms, as persons fleeing communist or communist-dominated countries or the Middle East. Conditional entrants were numerically limited under a preference system to 17,400 refugees annually.

B. United Nations Treaties

In 1968, the United States acceded to the *1967 United Nations Protocol Relating to the Status of Refugees*, which incorporates the *1951 United Nations Convention relating to the Status of Refugees* (Refugee Convention). Article 33 of the Convention prohibits a State party from expelling or returning a refugee to a country where his or her life or freedom would be threatened on account of a protected characteristic in the refugee definition ("*non-refoulement*"). A "refugee" is defined as any person who "owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, unwilling to avail himself of the protection of that country..." *(1951 United Nations Convention relating to the Status of Refugees,* Art. I.A(2*)*, United Nations Treaty

Series No. 2545, Vol. 189, p. 137; *1967 United Nations Protocol Relating to the Status of Refugees,* Art. I.*2,* United Nations Treaty Series No. 8791, Vol. 606, p. 267)

C. Passage of Refugee Act of 1980

In 1980, Congress enacted legislation to bring U.S. law into compliance with obligations under international law. Prior to implementation of the 1980 Refugee Act, refugees under U.S. law were defined in political and geographical terms; unless there was a special act of Congress, refugees had to come from either communist countries or countries in the Middle East. The Congressional intent of the 1980 Refugee Act was to establish a politically and geographically neutral adjudication standard for both asylum status and refugee status, a standard to be applied equally to all applicants regardless of country of origin.

The statutory definition of refugee was derived from the Refugee Convention definition. Following the principle of *non-refoulement*, the Act made mandatory the withholding of deportation[1] to a country where an individual's life or freedom would be threatened on account of race, religion, nationality, membership in a particular social group, or political opinion.

In contrast to the international definition, U.S. law expanded the definition of "refugee" to include someone who has been persecuted in the past, as well as someone who has a well-founded fear of future persecution.

Section 101(a)(42) of the INA states the following:

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

[1] Now called "withholding of removal," as a result of changes to U.S. law in 1997.

> The term 'refugee' does not include any person who ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion.
>
> (An addition to the refugee definition is noted below in section H, "Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA).")

The term "persecution" was not, and still is not defined by treaty, statute, or regulation. There is no universally accepted definition of persecution, only guidelines from various sources, including the UNHCR Handbook, precedent decisions, and international human rights law.

D. 1980 Interim Regulations

Interim Regulations for implementing the 1980 Refugee Act were promulgated in June of 1980. INS District Directors remained responsible for the adjudication of asylum applications filed by applicants who were not in deportation or exclusion proceedings (affirmative applications). Immigration officers conducted asylum interviews, in addition to adjudicating other types of cases.

E. 1990 Final Regulations

Final Regulations were published on July 27, 1990, and came into effect October 1, 1990, establishing the Asylum Corps:

> There shall be attached to the Office of Refugees, Asylum, and Parole such number of employees as the Commissioner, upon recommendation from the Assistant Commissioner, shall direct. These shall include a corps of professional asylum officers who are to receive special training in international human rights law, conditions in countries of origin, and other relevant national and international refugee law.

Seven Asylum Offices opened in 1991. They are located in Los Angeles (Anaheim), San Francisco, Newark (Lyndhurst), Houston, Miami, Chicago, and Arlington. The eighth office, in Rosedale, New York, opened in December of 1994. Initially, there were eighty-two asylum officers.

The Resource Information Center (RIC), an in-house library and documentation center created pursuant to the 1990 regulations, opened in late 1991. Following the example of several refugee-receiving countries, primarily Canada, its mandate is to collect and disseminate to asylum officers information on country conditions needed to make quality asylum adjudications.

In particular, the information disseminated by the RIC includes reports regarding human rights conditions in refugee-producing countries. Additionally, the RIC provides updated versions of REFWORLD, a UNHCR computer database that contains country conditions and legal information relevant to asylum adjudication. The RIC conducts some original research, primarily synthesized papers written by outside experts, and also responds to inquiries made by asylum officers regarding particular claims or issues.

F. Reform

When the Asylum Corps was established, it was expected that the number of annual asylum applications filed would be approximately 70,000. However, in FY 1992, asylum seekers filed approximately 103,000 applications. By FY 1993, the rate of receipt had jumped to 150,000. This rate continued into FY 1994. Due to a variety of factors, particularly a lack of resources and a diversion of available resources to the screening of Haitian asylum-seekers at Guantanamo Bay Cuba, the backlog of unadjudicated applications increased to overwhelming numbers. (*See*, Beyer, Gregg A. "Reforming Affirmative Asylum Processing in the United States: Challenges and Opportunity" *The American University Journal of International Law and Policy* (Vol. 9, No. 4, November 1994), p. 43-78).

As the backlog grew, the asylum system became more vulnerable to fraud and abuse. Malafide applicants could file fraudulent claims and obtain work authorization while their requests remained pending in the backlog. At the same time, genuine refugees were deprived of expeditious adjudication of their requests, which were bogged down in the backlog.

In July, 1993, the President mandated that the Department of Justice undertake reform of the asylum process. In an attempt to speed up the asylum process, eliminate the backlog of pending cases, and discourage abuse of the asylum process, reform regulations were implemented January 4, 1995. Except for the provisions regarding work authorization, these revised regulations applied retroactively to cases not yet interviewed by January 4, 1995.
Some of the main elements of reform are listed below.

1. Distanced asylum request from employment authorization

   Prior to reform, asylum applicants could apply for employment authorization at the same time they applied for asylum. So long as the asylum request was not "frivolous" (manifestly unfounded or abusive), employment authorization was granted. (8 C.F.R. § 208.7 (1990))

   The revised regulations decoupled employment authorization from asylum to the extent that asylum applicants no longer can apply for employment authorization at the same time they apply for asylum. Rather, the applicant

must wait 150 days after the Service receives a complete application before the applicant can apply for employment authorization. The Service then has 30 days to either grant or deny the request. (8 C.F.R. § 208.7)

2. Created referral process

Prior to reform, asylum officers issued final decisions on all applications for asylum and withholding of deportation. An applicant who was found ineligible was denied, and the applicant had the right to file an asylum application *de novo* with the Office of the Immigration Judge, if exclusion or deportation proceedings were initiated. (8 C.F.R. §§ 208.14(a); 208.18(b) (1990))

Pursuant to the 1995 revised regulations and current regulations, requests filed by applicants who are deportable or removable and who are found ineligible for asylum must be referred directly to the Office of the Immigration Judge for adjudication in deportation or removal proceedings. (8 C.F.R. § 208.14(b)) (Note that a referral is not a final decision.)

The Immigration Judge adjudicates the same asylum application that was filed with the Asylum Office. As a matter or discretion, the Immigration Judge may allow the applicant to amend the application.

Under the 1995 and current regulations, asylum officers have the authority to grant asylum in the exercise of discretion to qualified applicants. (8 C.F.R. § 208.14(b))

3. Removed right to rebut in most cases

Prior to reform, asylum applicants who were found ineligible for asylum were sent written explanations and were provided an opportunity to rebut the preliminary decision before a final decision was made. This was a very lengthy process. With reform, asylum applicants no longer are provided an opportunity to rebut a preliminary negative decision, with the exception of individuals who are still in lawful, non-immigrant status and class members of the *ABC* Settlement Agreement.[2]

[2] *American Baptist Churches v. Thornburgh* 760 F. Supp. 796 (N.D. Cal. 1991) (ABC) was a lawsuit brought against the U.S. government in 1985 by a group of religious organizations and refugee advocacy organizations. A federal judge subsequently certified a class of Guatemalan and Salvadoran nationals as plaintiffs in the lawsuit. The plaintiffs alleged, among other things, that the INS, the Executive Office of Immigration Review and the US Department of State engaged in discriminatory treatment of asylum claims made by Guatemalans and Salvadorans. In 1990, the government and attorneys representing the certified class settled the class action lawsuit. The Settlement Agreement, which was approved by a federal court in 1991, provides that an eligible class member who registers for benefits and applies for asylum by the agreed-upon dates is entitled to an initial or *de novo* asylum interview and adjudication pursuant to the regulations published July 1, 1990, and special procedures set forth in the settlement.

4. Decisions no longer mailed in most cases

   Prior to reform, asylum decisions and any documents initiating deportation or exclusion proceedings were mailed to the applicant's last known address.

   An asylum applicant now must return to the asylum office for personal service of a final decision or referral with accompanying documents initiating removal proceedings. An exception is made for asylum applicants who are not interviewed at an asylum office (i.e., applicants interviewed on circuit rides) or who are in legal status. (8 C.F.R. § 208.17)

5. Removed authority to adjudicate requests for withholding of deportation in most cases

   Prior to reform, asylum officers adjudicated requests for withholding of deportation (now withholding of removal) with each asylum request. (8 C.F.R. § 208.16(1990)) (Note that the application for asylum is at the same time an application for withholding of deportation. 8 C.F.R. § 208.3(b))

   Reform regulations gave asylum officers jurisdiction to decide withholding of deportation only for stowaways, crewmen, and certain individuals excluded as security risks. (8 C.F.R. § 208.16(a)(1995)) Under current regulations, asylum officers no longer have such jurisdiction.

G. Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA)

The Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA) was signed into law on April 24, 1996. It creates a process by which the U.S. government can designate organizations as "foreign terrorist organizations." Certain persons involved in these organizations are ineligible for asylum and withholding of deportation or withholding of removal.

H. Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA)

On September 30, 1996, President Clinton signed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA). Some of the provisions of the act were immediately effective, while others become effective after that date. (The changes to section 208 are applicable only to applications filed on or after April 1, 1997.) The IIRIRA nullified certain provisions in AEDPA. It expanded Section 208 of the INA to codify a number of provisions that previously were regulatory and to incorporate new provisions. The most significant changes are listed below.

1. Expands definition of political opinion to include resistance to a coercive population control program. The following was added to INA § 101(a)(42):

> For purposes of determinations under this Act, a person who has been forced to abort a pregnancy or to undergo involuntary sterilization, or who has been persecuted for failure or refusal to undergo such a procedure or for other resistance to a coercive population control program, shall be deemed to have been persecuted on account of political opinion, and a person who has a well-founded fear that he or she will be forced to undergo such a procedure or subject to persecution for such failure, refusal, or resistance shall be deemed to have a well-founded fear of persecution on account of political opinion.

For any fiscal year, not more than a total of 1,000 persons who fall into this category may be admitted as refugees or granted asylum. (INA § 207(a)(5))

2. Created three new restrictions on applying for asylum (INA § 208(a)(2)):

   a. restriction on those who have been in the U.S. more than a year without filing and who cannot show the existence of changed circumstances that materially affect eligibility for asylum or extraordinary circumstances relating to the delay in filing the application;

   b. restriction on those who have been denied asylum in the past and cannot show the existence of changed circumstances that materially affect eligibility for asylum;

   c. restriction on those who can be returned to a "safe" country with which the U.S. has a bilateral or multilateral agreement for such returns. To date, the U.S. does not have any agreements.

3. Requires identity check against all appropriate records or databases maintained by the Attorney General and by the Secretary of State before asylum may be granted. (INA § 208(d)(5)(A)(i))

4. Adds penalty for the filing of a frivolous asylum application.

   If the Attorney General determines that an alien has knowingly made a frivolous application for asylum and has received notice of the penalty for filing a frivolous application, the alien shall be permanently ineligible for any benefits under the INA. (INA § 208(d)(6))

5. Expands definition of aggravated felony. (INA § 101(a)(43))

6. Establishes a process for expedited removal, which took effect on April 1, 1997. (INA § 235(b)(1); see also, 8 C.F.R §208.30)

This affects aliens arriving at a port of entry with fraudulent documents or no documents. An alien subject to expedited removal and who indicates either an intention to apply for asylum or claims to have a fear of returning to his or her country of nationality or last habitual residence if stateless, is referred to an asylum officer for a credible fear determination. (8 C.F.R. §208.30(a))

If the asylum officer finds the alien to have a credible fear of persecution, the alien is issued a Notice to Appear (NTA) (Form I-862) and placed in removal proceedings where he or she may apply for asylum before an immigration judge. An alien who is not found to have a credible fear of persecution is issued a Notice and Order of Expedited Removal, and is given the opportunity to request a review by an immigration judge of the decision.

Stowaway cases involve slightly different procedures, but the legal standard for credible fear is the same.

I. Regulations Implementing U.S. Obligations under the United Nations Convention against Torture

On October 21, 1998, President Clinton signed legislation that required the Department of Justice to promulgate regulations to implement the United States' obligations under Article 3 of the *Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment* (27 June 1987), subject to any reservations, understandings, declarations, and provisos contained in the United States Senate resolution to ratify the Convention. (Section 2242(b) of the Foreign Affairs Reform and Restructuring Act of 1998 (Pub. L. 105-277))

Article 3 of the Convention against Torture prohibits the return of any individual to a country where there are substantial grounds for believing that the person would be in danger of being subject to torture. This is similar to Article 33 of the Refugee Convention, which prohibits removal of a person to a country where the person's life or freedom would be threatened on account of race, religion, nationality, membership in a particular social group, or political opinion.

On February 19, 1999, the Department of Justice published an interim regulation, with an effective date of March 22, 1999, that allows individuals to seek withholding of removal or deferral of removal under the Convention against Torture. A person will be entitled to withholding of removal if he or she establishes that it is "more likely than not" he or she would be tortured in a country to which the person would be removed and no mandatory bars apply. If mandatory bars (such as certain criminal convictions or a determination that the person is a security risk) apply, but the person would be tortured, he or she is entitled to deferral of removal. (64 Fed. Reg. 8478 (February 19, 1999); 8 C.F.R. §§ 208.31, 208.30, 208.16 (1999))

Unlike asylum, both withholding of removal and deferral of removal are country specific. This means that the person could be removed to a third country if he or she would not be tortured there.

In most cases, immigration judges will determine whether withholding of removal or deferral of removal is required. However, asylum officers are tasked to ensure compliance with the Convention against Torture by conducting "credible fear of torture" and "reasonable fear of torture" screenings.

The regulations expanded the scope of the credible fear determination in expedited removal to include "credible fear of torture," as well as "credible fear of persecution." (8 C.F.R. § 208.30 (1999))

In addition, asylum officers are tasked to conduct "reasonable fear" screenings in two types of administrative removal cases, if an individual expresses fear of return. (8 C.F.R. § 208.31) These are cases in which 1) the INS reinstates a prior exclusion, deportation, or removal order pursuant to section 241(a)(5) of the INA or 2) the INS orders the person removed pursuant to section 238(b) of the INA, based on an aggravated felony conviction. If the asylum officer determines that a person has a reasonable fear of torture or persecution, the asylum officer will refer the case to an immigration judge for a determination of whether the person is eligible for withholding of removal under the Convention against Torture based on a likelihood of torture or under 241(b)(3) of the INA, based on likelihood of persecution. If the asylum officer does not find a reasonable fear of torture or persecution, the person may seek immigration judge review of that determination. The person will be removed if review is not sought, or if review is sought and the immigration judge upholds the adverse determination.

II. SPECIFIC SOURCES OF AUTHORITY THAT GOVERN ASYLUM ADJUDICATION

A. Statutes

1. INA § 101(a)(42)

   Defines refugee

2. INA § 208(a)

   Provides for an alien who is physically present in the United States or who arrives in the United States to apply for asylum, irrespective of the alien's status

3. INA § 208(b)

Provides that asylum may be granted in the discretion of the Attorney General if the alien is a refugee, as defined in section 101(a)(42)(A) of the Act, so long as one of the mandatory bars does not apply. (Mandatory bars include: persecution of others on account of one of the 5 protected grounds; conviction of a particularly serious crime; commission of a serious nonpolitical crime outside the United States; danger to the security of the United States; participation in terrorist activities or status as a representative of certain terrorist organizations; firm resettlement.)

4. INA § 208(c)

   a. provides rights to individuals granted asylum

      (i) Cannot be removed to country of nationality or, if stateless, last habitual residence

      (ii) entitled to employment authorization

      (iii) can travel abroad with prior permission

   b. provides that asylum may be terminated and the former asylee removed under certain circumstances

5. INA § 209(b)

   Provides for adjustment of status from asylee to lawful permanent resident. By statute, only 10,000 asylees can adjust to permanent resident status each year.

6. INA § 235

   Provides for expedited removal of an alien who by fraud or willfully misrepresenting a material fact seeks to procure admission into the United States, unless the alien indicates an intent to apply for asylum or a fear of return and an asylum officer or immigration judge determines that the alien has a credible fear of persecution.

7. INA § 241(b)(3)

   Prohibits Attorney General from removing an alien to a country where the alien's life or freedom would be threatened on account of one of the protected grounds in the refugee definition (exceptions include Nazis, individuals who

committed genocide, persecutors, and certain other individuals who have committed certain crimes or are a danger to the security of the United States).

B. Regulations

The Executive agency charged with administering a law is responsible for providing regulations by which the law is administered. The regulations that establish the procedure for an alien present in the U.S. or at a land border or port of entry to apply for asylum and withholding of deportation are found at 8 C.F.R. § 208, et seq. These regulations govern not only basic asylum procedures, but also substantive eligibility issues such as burden of proof, standard of proof, and mandatory grounds for denial.

C. Administrative Decisions

1. Immigration judges

   Opinions issued by immigration judges are not precedent decisions and have no binding authority on asylum officers in deciding cases involving similar issues. (8 C.F.R. §§ 3.1 and 3.38)

2. The Board of Immigration Appeals (BIA)

   Immigration judges' decisions may be appealed to the BIA. The BIA designates some of its decisions for publication as precedent decisions. Asylum officers must follow BIA precedent decisions when adjudicating cases involving similar issues, except to the extent the decisions are modified or overruled by subsequent decisions or by the Attorney General. BIA decisions apply nationwide, except in federal circuits with conflicting law. (8 C.F.R. § 3.1(g))

D. Federal Court Decisions

There are three levels of courts in the federal judicial system: United States District Courts, United States Courts of Appeals, and the United States Supreme Court. The federal court system is divided into thirteen judicial circuits.

1. United States District Courts

   Federal district courts are trial courts where issues of fact are resolved by a judge or a jury. The judge may also rule on matters of law. An alien whose order of exclusion has been upheld on appeal to the BIA, could seek review of the BIA decision by filing a petition for writ of habeas corpus in federal district court.

   Federal district court decisions usually are not binding on other courts. If there is no controlling precedent decision in the jurisdiction in which the case

arises, an asylum officer may seek guidance from the legal reasoning of a federal district court judge who has decided a similar issue. Except in rare cases, federal district court decisions are not binding on asylum officers.

2. United States Courts of Appeals (Circuit Courts)

Federal circuit courts are appellate courts that review federal district court decisions. BIA decisions, with some exceptions (e.g., those upholding orders of exclusion) may be appealed directly to the federal court of appeals in the circuit that has jurisdiction over the case.

A precedent circuit court decision is binding on all lower courts within the jurisdiction of the circuit. Similarly, precedent circuit court decisions must be followed by the BIA, immigration judges, and asylum officers when adjudicating cases arising within the circuit court's territorial jurisdiction.

3. United States Supreme Court

At its discretion, the United States Supreme Court hears appeals from federal circuit court decisions (usually when the circuits are in dispute). Supreme Court decisions are binding on all lower courts and administrative adjudicators throughout the country.

E. General Counsel Opinions

The Office of the General Counsel issues legal opinions that explain the Service's interpretation of particular legal issues. Asylum officers must apply the law as interpreted in the General Counsel's Opinions.

F. UNHCR Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugee (UNHCR Handbook)

The *UNHCR Handbook*, produced by the Office of the United Nations High Commissioner for Refugees, provides guidance to government officials concerned with the determination of refugee status pursuant to their obligations under the *1951 United Nations Convention relating to the Status of Refugees* and the *1967 United Nations Protocol Relating to the Status of Refugees*.
(Office of the United Nations High Commissioner for Refugees, *Handbook on Procedures And Criteria For Determining Refugee Status* (Geneva, 1992), p. 2)

The interpretations provided in the *UNHCR Handbook* do not have the force of law and are not binding on asylum adjudicators in the United States. However, the Supreme Court has stated that the *UNHCR Handbook* "provides significant guidance in construing the Protocol, to which Congress sought to conform." (*INS v. Cardoza-Fonseca*, 107 S.Ct. 1207, 1217, n. 22 (1987); *Matter of Frentescu*, 18 I&N Dec. 244 (BIA 1982)).

Explanations in the Handbook are often referred to by both the BIA and federal courts. Where guidance in the *UNHCR Handbook* is inconsistent with U.S. law, as interpreted by precedent decisions, asylum officers must follow U.S. law.

G. International Law

If no domestic law addresses a specific legal issue, reference to international law may assist in determining whether an applicant is a refugee. In particular, international human rights and humanitarian law may provide guidance when evaluating whether particular acts constitute persecution.

III. LIST OF ARTICLES FOR ADDITIONAL BACKGROUND ON HISTORY OF ASYLUM PROGRAM

- Beck, Susan. "Cast Away," *The American Lawyer* (October 1992), p. 54-59.
- Beyer, Gregg A. "Affirmative Asylum in the United States," *Georgetown Immigration Law Journal* (Vol. 6, No. 2, June 1992), p. 253-284.
- Beyer, Gregg A. "Establishing the United States Asylum Officer Corps: A First Report," *International Journal of Refugee Law* (Vol. 4, No. 4 , July, 1992), 39 p.
- Beyer, Gregg A. "Reforming Affirmative Asylum Processing in the United States: Challenges and Opportunity" *The American University Journal of International Law and Policy* (Vol . 9, No. 4, November 1994), p. 43-78.
- Conover, Ted. "The United States of Asylum," New York Times Magazine (September 20, 1993), p. 56.
- Cooper, Bo. "Procedures for Expedited Removal and Asylum Screening under the Illegal Immigration Reform and Immigrant Responsibility Act of 1996," Connecticut Law Review (Vol. 29, No. 4, Summer 1997), p. 1501-1524.
- Martin, David A. "Making Asylum Policy: The 1994 Reforms," Washington Law Review (Vol. 70, No. 3, July 1995), p. 725-755.
- Office of the High Commissioner for Refugees, Handbook on Procedures and Criteria for Determining Refugee Status, (Geneva, 1992).