

# **Codebook for Users**

## **IMPALA and the APLA Database**

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## **Codebook for Users – IMPALA and the APLA Database**

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## 1. Rules of the Asylum Policies in Latin America (APLA) Database

In the following sections I present (1.1) the main differences between IMPALA and APLA, (1.2) the possible uses of this database, (1.3) how to interpret the data from the dataset, and (1.4) how the different indicators have been codified.

### 1.1 The IMPALA and APLA Coding Frame

IMPALA stands for ‘International Migration Law and Policy Analysis’ methodology and is a methodology developed to study various types of migration policies across countries over time (Beine et al. 2015, 2016; Gest et al. 2014). APLA stands for the ‘Asylum Policies in Latin America’ database. APLA is based on the same codification logic as IMPALA, but seeks to overcome two of the main issues IMPALA seems to have: 1. Its ‘OECD bias’ in the selection of the policy indicators, and 2. Its lack of a clear aggregation methodology to analyze levels of liberalization or restrictiveness. Both the IMPALA and the APLA are built using a set of coding frames on asylum policies. The questions in the IMPALA and APLA coding frames are divided in **Country Track** Level and **Entry Track** Level.

In the **Country Track** level humanitarian coding frame – the *only* type of coding frame addressed in the APLA – the questions deal with general policies regarding the asylum system at the national level, such as the relevant treaties signed, and the general legislation, rules and decrees concerning the awarding of the status of refugee status, or eventual subsidiary status.

In the **Entry Track** level coding frame, the questions deal with the specific requirements and rights associated with each track. A track identifies – although with exceptions – different types of visas, migration permits, that bring with them different conditions in terms of working and other types of rights. In the case of the APLA, I produce no track level coding frame, as in most cases asylum legislations in the region do not offer subsidiary protection and rely instead on the difference between refugees, and individuals whom are granted political asylum. Therefore, the APLA for Latin America does not develop additional entry track questions, as the most relevant questions are already covered at the Country Track level (for more detail on how the IMPALA methodology works, see: Beine et al. 2015, 2016; Gest et al. 2014).

## 1.2 The (Mis)Uses of this Codified Data

### What IMPALA and the APLA are useful for

The way data is collected, codified, and aggregated determines its possible uses. In the case of the APLA, this database has been developed with two main goals in mind: **first**, to study the development of asylum policies over time in Latin America, and **second**, to compare the main characteristics of these policies, how they developed, and which might be the trends or outliers within a specific region.

On the one hand, this database allows scholars to inquire questions regarding the development of asylum policies within countries: which factors have influenced the development of a set of policies? Why have certain policies been included only at a certain point in time? How many changes in policies have there been over the last roughly 30 years?

On the other hand, the APLA database can help researchers compare the asylum policies among different countries, in different points in time: why did country  $x$  grant a certain set of rights to asylum seekers in time  $t_1$ , whereas country  $y$  did not? Which factors have led country  $a$  to produce a series of changes to its asylum policies over a certain period, whereas country  $b$  has not changed its asylum policy in the same period? How do immigrant and asylum seekers' inflow affect the development of asylum legislations across the Latin American region? Are asylum policies converging, becoming increasingly more complex, or are there different clusters of policy types? Also, what explains the existence of outliers in terms of regulatory complexity and Liberalization?

### What IMPALA and the APLA are not useful for

It should be clear to any user of indices that the questions answerable by an index are often limited. In the case of IMPALA and the APLA their limitation to *de jure* policies have consequences on their use in research. IMPALA and the APLA cannot be used in the study of the implementation of asylum policies, for the following reasons: **first**, the interpretation of the law varies across countries, so that in a country the interpretation – and therefore the implementation – of a policy might differ from that of another country. **Second**, the interaction between asylum policies and other policies are not considered in this codification, for instance, a country might have a very generous asylum policy, but could well have at the same time a strict policy on allowing any

possible asylum seekers into the country, as in the case of Australia. **Third**, spill-over effects are not considered, that is the fact that when a migration channel become more difficult to access, migrants usually seek to enter a country nonetheless, but under a different migratory status, even an illegal one.

**Fourth**, the use of the aggregated results of the IMPALA and APLA codification efforts *as explanatory variables* to control for in a wider regression models should be carefully considered, as the choice of the variables to include might lead to big variations in the results. Yet, the use of the regulatory complexity aggregation as a dependent variable might be easier to justify, once the assumptions of one's own research are made clear, as it includes all indicators. Using the results of *Liberalization* as a dependent variable, on the other hand, is *highly discouraged*, as by treating all variables equally, it provides a false sense of the possible applications of the legislation, and therefore of the aims of the policy makers. **Lastly**, any use of this database should always take into consideration the wider context in which asylum policies are applied: historical, economic, political, and social. Only a conscious and careful use of this index will allow researchers to infer causal claims from it.

### 1.3 How to Read the APLA Codification

#### *Example*

LA7.<sup>1</sup>

Has the country incorporated into its national law the principles of the 1984 Cartagena Declaration on the scope of the refugee definition, or a variation thereof? [Such declaration defines refugees as: persons who have fled their country because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order].

	Presence/Absence Value <sup>4</sup>		Openness/Restrictiveness Value <sup>5</sup>		Sources <sup>6</sup>	Comments <sup>7</sup>
	Yes	No	0	1		
Qualification <sup>3</sup>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Decree 597 of 1984, Art.34bis	

<b>1</b>	<b>ID Number of Question</b>	Each ID identifies a specific question for the codification. Q-questions are original IMPALA questions, LA-questions are APLA questions.
<b>2</b>	<b>Question</b>	Question being codified. This same question is asked across all the countries included in the database, for all the various years.
<b>3</b>	<b>Category</b>	It identifies which type of policy is addressed by the question.

		<p>In this codification effort, seven different categories are considered. Each question belongs to a category. Categories can sometimes partially overlap. These are:</p> <p>Legal Framework Qualification Reception and Detention Exclusion and Cessation Procedures Internal Rights Rights of Children</p> <p>For more information about the use and choice of categories see section 2 of this codebook.</p>
<b>4</b>	<b>P/A Value</b>	<p>Presence/Absence Policy Value - Binary</p> <p>Answer is YES if the policy is <b>present</b> in the legislation analyzed Answer is NO if the policy is <b>absent</b> from the legislation analyzed</p>
<b>5</b>	<b>R/O Value</b>	<p>Restrictiveness/Openness Policy Value - Binary</p>

		<p>Answer is 1 if <b>as a result</b> of the coding of the “P/A Value” the policy is <b>restrictive</b></p> <p>Answer is 0 if <b>as a result</b> of the coding of the “P/A Value” the policy is <b>not restrictive</b></p> <p>When coding, the codifier must consider the following question “<i>Does the absence or presence of a certain policy make the overall policy more open or more restrictive?</i>” As <b>open</b> the codifier regards any policy that favors and enhances the rights of the asylum seeker/recognized refugee. As <b>restrictive</b> the codifier regards any policy that disadvantages and denies rights to the asylum seeker/recognized refugee. A policy that is neither restrictive, nor open, will be classified as open, that is with a 0.</p>
<b>6</b>	<b>Source</b>	It identifies the source(s) used to codify this indicator. It refers to the actual legislation valid for the year considered. Only in the case of international treaties, I use as a source the United Nations website on international treaties.
<b>7</b>	<b>Commentary</b>	Any necessary or relevant comments on the coded question



## 1.4 Rules of Codification

The codification process follows a clear procedure with the objective of achieving reliability and comparability over-time across-countries, as well as ensure the transparency and replicability of the codification process. This is especially important given that, in certain cases, some codifications require a judgment call, as the answer might not be straightforward, especially regarding the identification of certain policy aspects as restrictive or not. In this section I explain the rules that I have followed in the codification of each question and bring some examples of coding decisions I have made.

### General Issues

Policies for a country are not fully coded if the country does not have an asylum policy in the year considered. However, certain countries, whilst not having a proper law on asylum in a certain year, can have policy measures concerning refugees in their legislation (e.g. in the case of Cuba, the Penal Code does not sanction refugees for entering the country illegally, even if no proper asylum legislation is in place), or have signed international agreements that regard - among others - the protection of refugees. In those cases, I code the single policy measure that is present in the legislation, even in absence of a wider asylum law.

Laws on asylum are usually divided between the actual ‘Law’ and the ‘Rules’ that govern the law. Each is coded separately, depending on the year of approval in parliament. International treaties are coded as positive if they have been ratified (not signed). Ratifications indicate the consent of a state to be bound to an agreement, in this case an international treaty.

Another general rule in the codification process is that *if* the question asks for a specific policy measure (e.g. the recognition of the declarative character of the refugee condition), then this must be spelled out clearly in the law. Otherwise it is coded negatively. It should be remembered that the objective of the IMPALA and APLA is not to study the application or the interpretation of the law. IMPALA aims to capture the objectives of the lawmakers in the development of the policy.

Below, I spell out the codification rules for all the 65 different policy measure indicators, divided according to the category in which they belong, and explain some of the judgment call made through the use of examples.

### ***Legal Framework***

**International Treaties:** All treaties are codified only starting from their date of accession or ratification.

**Ratification:** The codification of policy measures relating to international treaties and covenants are coded as positive (Presence/Absence Value *Yes*) only in case the international instrument has been acceded or ratified. The mere signature of the international instrument is coded as negative, given that the signature is subject to ratification and does not establish a consent to be bound to the treaty. Only the ratification or accession to an international instrument establishes a consent. It is for this reason that I code as negative the absence – or only signature of a treaty – and code it positive once an international instrument has been ratified, or acceded, as according to the Vienna Convention on the Law of Treaties of 1969.<sup>1</sup>

**On Q5 (Is the country party to the UN Convention relating to Refugees? ('Party to' means ratified)):** concerning the ratification of the 1951 Geneva Convention, I have given an Absence/Presence Value of Yes to Venezuela even if it has not actually signed the 1951 Convention, given that it has ratified the 1967 Protocol. Whilst allegedly contradicting the question, in substance the ratification of the 1967 Protocol binds the country to respect all the aspects of the 1951 Geneva Convention.

### ***Qualification***

**On Q200 (Does this track afford protection to persons who may arbitrarily be deprived of their life if returned to their country of origin?):** This question is coded with a P/A value of yes,

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<sup>1</sup> For a summary see here: <http://ask.un.org/faq/14594> (acceded April 8<sup>th</sup> 2019).

if the legislation explicitly mentions that applicants cannot be sent back to countries where they might be deprived of their life.

**On Q202 (Does this track afford protection to persons who have been displaced as the result of an ongoing armed conflict within a particular country?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions that refugees are considered those who had to flee due to an ongoing armed conflict.

**On Q204 (Does this track afford protection to persons who have been displaced as the result of a natural/environmental disaster?):** This question is coded with a P/A value of yes, if the legislation explicitly considers refugees people who have been displaced as a result of an environmental disaster.

**On Q278 (Is there any alternative status (subsidiary protection) for persons seeking protection, other than refugee status?):** concerning the presence of a subsidiary protection regime (other than one based on the 1951 Geneva Convention and its 1967 Protocol), I have coded as negative (Restrictiveness/Openness Value of 1) the presence of an alternative regime for possible asylum seekers, as the presence of a subsidiary protection regime creates a two-tiered refugee system, where those with subsidiary status usually have less rights than those with a conventional 1951/1967 Convention refugee status.

**On Q280 (Does the country provide protection to persons who may be subjected to torture if returned to their country of origin?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions that applicants cannot be sent back to countries where they might be subjected to torture, or other degrading and dehumanizing treatments. This includes the mention of risks to the applicant's security and freedom.

**On Q133 (Are asylum seekers detained in some circumstances while their claims are being processed?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions that asylum seekers can be detained while they wait for their application to be processed.

**On Q274 (Are asylum seekers informed of their rights during this screening process?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions that the authorities have the obligation to inform asylum seekers – when these are applying for refugee status – of the necessary steps they need to take in order to be successfully recognized as refugees.

**On Q188 (Are asylum claims that are deemed to be weak or unfounded subject to fast track processing?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions that requests from applicants who are deemed unlikely to be recognized as refugees are subjected to a fast-track process.

**On Q170 (Are asylum seekers advised about their rights in a language they can understand? [i.e. do they have a right to an interpreter?]):** This question is coded with a P/A value of yes, if the legislation explicitly mentions the right of applicants to be advised about the procedures related to their recognition as refugees in a language they can understand. This includes the right to a free interpreter during the interviews made as part of the recognition process.

**On Q172 (Are asylum seekers required to submit a written application?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions that asylum seekers need to submit a written application to begin their refugee application. This is considered to be a negative request, as in many cases refugees might not be able – or feel comfortable – to write about their request. Furthermore, this adds a bureaucratic layer to the process that can be easily exploited to deny an asylum request.

**On Q174 (Do applicants have a right to an interview/oral hearing?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions that as part of the recognition process, the applicant is interviewed in order to assess her/his asylum claims.

**On Q180 (Do applicants have a right to legal assistance or representation?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions that applicants have the right to a legal representative.

**On Q184 (Is there a time limit within which asylum seekers must file an application after entering the country?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions that after having entered the country, an applicant has a limited amount of time to apply for asylum.

**On LA7 (Has the country incorporated into its national law the principles of the 1984 Cartagena Declaration on the scope of the refugee definition, or a variation thereof? [Such declaration defines refugees as: persons who have fled their country because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal**

**conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order].):** This question is coded with a P/A value of yes, if the refugee definition included in the legislation reflects that of the Cartagena Declaration, or a variation thereof.

**On LA9 (Does the law recognize the right to asylum for people already recognized as refugees in a third country, but whose life, freedom and dignity the host country cannot guarantee?):**

This question is coded with a P/A value of yes, if the legislation explicitly mentions that also people who have already been recognized as refugees in a third country have the right to apply again for recognition in the country, if the third country in question cannot guarantee the life, freedom or dignity of the refugee.

**On LA65 (Can an individual be recognized as a refugee for persecution based on gender?):**

This question is coded with a P/A value of yes, if the refugee definition mentions gender explicitly as one of the reasons for the recognition as a refugee. It is the case that gender can already practically be considered included as a reason for persecution, as it is recognized in the literature that ‘membership of a social group’ can indeed include gender (Hathaway and Foster 2014). However, in this case I consider the question positive only if gender is mentioned explicitly in the legislation.

### *Exclusion and Cessation*

**On Q101 (Can refugee protection be denied and/or restricted because an applicant has been in contact with authorities or has remained for a certain period (but not settled) in another country in which they could have sought protection?):** This question is coded with a P/A value of yes, if the legislation explicitly applies a “third safe country principle”, by which it means that if the applicant could have sought refuge in a third transit country, where s/he remained for a certain period but did not apply, a justification must be provided as to why that was the case, otherwise the recognition request is denied. Also, if the legislation explicitly mentions that any contact with authorities of the country of origin are prohibited, the P/A value is coded as yes.

**On Q103 (Can refugee protection be denied to applicants who could avoid persecution by relocating to a different part of their state of origin?):** This question is coded with a P/A value

of yes, if the legislation explicitly mentions that applicants must explain why they could not relocate within their country of origin, and instead need to apply for asylum abroad.

**On Q107 (Can refugee protection be denied to applicants who have committed crimes against peace, war crimes or crimes against humanity before entry?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions that applicants who have committed crimes against peace, war crimes, or crimes against humanity cannot be recognized as refugees, or if they have already been recognized, they will lose their entitlement to asylum.

**On Q113 (Can refugee protection be denied to applicants who represent a danger to national security?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions that applicants who are considered a danger to national security, or public order, cannot be recognized as refugees, or if they have already been recognized, they will lose their entitlement to asylum.

**On Q109 (Can refugee protection be denied to applicants who have committed serious non-political crimes outside the country of refuge (before entry?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions that applicants who have committed serious non-political crimes outside the host country cannot be recognized as refugees, or if they have already been recognized, they will lose their entitlement to asylum.

**On Q253 (Can refugee protection be denied to applicants who have committed serious non-political crimes within the country of refuge?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions that applicants who have committed serious non-political crimes inside the host country cannot be recognized as refugees; or if they have already been, they might lose that status.

**On Q208 (Are asylum seekers whose protection claims are rejected given a time limit to leave the country?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions a time limit to leave the country in case the asylum request was denied.

### ***Reception and Detention***

**On LA11 (Are there any special provisions for cases of mass influx of asylum seekers?):** This question is coded with a P/A value of yes if the legislation explicitly mentions measures to address possible mass influxes of refugees.

**On LA13 (Does the law guarantee that asylum seekers will not be penalized for entering the country illegally?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions that asylum seekers will not be penalized for having entered the country illegally.

**On LA15 (Does the law recognize the declarative character of the refugee condition? (This implies that asylum seekers have the same rights as refugees, as they are refugees waiting to be recognized as such by the host state)):** This question is coded with a P/A value of yes, if the legislation explicitly mentions that the refugee condition has a declarative character, that is, that refugees and asylum seekers have the same rights.

**On LA17 (Does the law sanction authorities who fail to pass on to the relevant institution a request for asylum? [That is, does the law mention the duty of public officials to remit a submission for refugee status to the competent authorities?]):** This question is coded with a P/A value of yes, if the legislation explicitly mentions the responsibility migration or any other public authorities must pass on to the responsible authorities a request for asylum.

**On LA19 (Can the asylum seeker remain in the country where the application has been made until the last instance of her/his situation has been defined?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions that asylum seekers have the right to stay in the host country until all instances of the asylum process have been concluded, including administrative appeals.

### ***Rights of Children***

**On Q145 (Can child asylum seekers be detained?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions that children are among those that can be detained by public authorities during the recognition process as refugees.

**On Q190 (Are special procedures used or accommodations made for unaccompanied or separated children?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions special procedures to protect children or adolescent asylum seekers, especially when unaccompanied.

**On Q194 (Is a guardian appointed to assist the unaccompanied or separated child applicants?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions the duty of the state to allocate a guardian/tutor to any unaccompanied child or adolescent applicant for refugee status.

### *Internal Rights*

**On Q320 (Is the entrant granted protection with the option of applying for permanent status after a certain period of time?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions that after having been recognized as a refugee, the refugee in question has the right to stay permanently, or to apply for any type of permanent status, or even to acquire the citizenship of the host country.

**On Q54 (Does the permit allow the entrant to work?):** This question is coded with a P/A value of yes if the legislation explicitly mentions the unrestricted right to work for asylum seekers or recognized refugees.

**On Q58 (Can applications be made at the border/ports of entry?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions that applicants for refugee status can submit their requests at border areas of the country, and that their applications cannot be refused, or they be sent back.

**On LA23 (Does the law recognize the unity of the family as a fundamental right of the refugees?):** This question is coded with a P/A value of yes, if the policy specifies that the unity of the family is one of the leading principles of the asylum policy. This might comprise the 1. Recognition of family members as refugees once the main applicant has been recognized, and 2. It mentions the duty of the state to keep the family united, in accordance to what specified in the 1951 Geneva Convention.



**On LA27 (Does the law ease the recognition of academic and professional qualifications earned in the country of origin?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions that state authorities have the duty to recognize either the academic or the professional credentials – or both – of recognized refugees, if these match national standards and no bilateral agreement is in place with the sending country. This includes that the recognized refugee will be exempted from providing certain documentation if it requires the involvement of the home country authorities.

**On LA29 (Does the identification document provided to the recognized refugee mention her/his status as a refugee?):** This question is coded with a P/A value of yes, if the policy does not explicitly say that the identification document provided to recognized refugees does not mention their status. The mentioning of the refugee status on the identification document is considered negative, as it imperils the anonymity of the refugee and is often not recognized in certain countries by officials who rarely see them.

### *Procedure*

**On Q172 (Are asylum seekers required to submit a written application?):** This question is coded with a P/A value of yes, if it is not stipulated explicitly in the policy that the applicant can submit an oral request for asylum. Otherwise formulated, the P/A value is no, if the legislation explicitly grants the right to submit a request for asylum orally. A P/A value of yes is considered restrictive.

**On LA31 (Does the law guarantee the right to access the asylum process?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions that any foreign individual has the right to access the asylum process.

**On LA33 (Can the application for refugee status be submitted through the UNHCR?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions that asylum seekers can submit their asylum requests through an office of the UNHCR.

**On LA35 (Can the application for refugee status be submitted through a legal representative?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions that asylum seekers can submit their asylum requests through a legal representative.

**On LA37 (Does the law recognize confidentiality as a fundamental part of the refugee application process?):** Confidentiality is coded with a P/A value of yes, if 1. it is recognized as one of the leading principles in the whole refugee recognition procedure, 2. If the communication procedures include confidentiality as one of their guiding principles.

**On LA39 (Does the law guarantee that the lack of documentation will not impede the applicant from submitting her/his request for refugee status?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions that the lack of documentation will not hinder the asylum seeker from submitting her/his application for refugee status.

**On LA41 (Does the law include a right to appeal and to a fair trial in case of a first negative decision?):** This question is coded with a P/A value of yes, if there is an actual appeal possibility, or at least an administrative revision of the case by competent authorities.

**On LA43 (Is the institution in charge of reviewing appeals independent from the one of the first instance?):** This question is coded with a P/A value of yes, if there is an actual appeal, and the commission revising the appeal is not within the same ministry or agency as the one chairing the commission. The only exception is if the Minister her/himself is in charge of reviewing the appeal request.

**On LA45 (Does the law guarantee the gratuity of the whole refugee application process?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions that all the documentation required during the asylum process is gratuitous for the applicant or stipulates a general principle of gratuity.

**On LA47 (Does the law guarantee free legal assistance to the asylum seeker?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions that the state has the responsibility to provide a legal representative to the applicant for asylum, without any of the costs charged to the applicant.

**On LA49 (Does the law state that the interview process should take into account the social and cultural background of the applicant?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions that during the interview process, the social background of the applicant will be considered, so that for instance, the applicant can be interviewed by someone of the same sex.

**On LA51 (Does the law prohibit national authorities from contacting the country of nationality, or origin, of the applicant, unless when expressly requested by the latter?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions that state authorities in need of information related to the application of the asylum seeker cannot contact the authorities of the nation of origin of the applicant without the expressed consent of the applicant her/himself.

**On LA53, LA55 (Does the committee in charge of reviewing and granting refugee status include a member of the UNHCR?/ Does the committee in charge of reviewing and granting refugee status include a member of the civil society or a representative of the Ombudsman's Office?):** the question regarding the presence of a UNHCR or Ombudsman's representative in the refugee status review committee is coded as positive, even if only under invitation. This choice is due to the ambiguity in the formulation of the law, which sometimes clearly requires UNHCR or the Ombudsman's representatives to be invited, whereas sometimes this aspect is kept ambiguous (e.g. in Venezuela's case).

**On LA57 (In case of a negative decision in the last instance of appeal (if applicable), is UNHCR informed of it before any action is undertaken to remove the applicant?):** This question is coded with a P/A value of yes, if the legislation explicitly mentions that the state has the duty to inform the local office of the UNCHR in case of first, or second instance negative decisions regarding an applicant for refugee status.

**On LA59 (In case of rejection in the first instance of the application, is there a reasonable time limit to submit an appeal request? (Reasonable is understood as more than 2 weeks' time)):** This question is coded with a P/A value of yes, if the legislation explicitly mentions that after the delivery of the news that the first instance request has been denied, an applicant for refugee status has 15 days or more to submit an appeal request.

**On LA61 (Are there any special measures in place to guarantee women's access to the asylum procedure?):** This question is coded with a P/A value of yes, if the law 1. Specifically mentions women's right to apply independently from their husbands, partners, 2. The law states clearly that all the procedures in the asylum process will be individualized.

**On LA63 (Are there special provisions in place for vulnerable asylum seekers, or asylum seekers with special needs?):** This question is coded with a P/A value of yes, if the law 1. Defines who vulnerable people and people with special needs are, and 2. Gives them priority in the refugee recognition process. This question regards especially people victims of sexual abuse, torture, disabled, old-age applicants, not necessarily children. For children's specific rights refer to Q190, Q94, and Q145.

## 2. Categories

Theoretically, the IMPALA and APLA database could contain a greater amount of questions to pursue a more complete codification. However, a decision must be taken regarding which questions to codify and which to include in the different efforts of aggregation. As this database is thought to be used by scholars interested in (1) studying the development over time of asylum policies in a country, and in (2) comparing the adoption of a set of asylum policies between two countries or more, I have selected the questions to codify using a set of criteria described here below. Each question must belong to one of the seven criteria set below to be codified. Questions regarding the interpretation or implementation policies have been consciously not included in the APLA database coding frame. However, if in the future any researcher might be interested in complementing IMPALA and the APLA with additional coding to complement this database, this will surely be welcome.

These categories overlap substantially with the original ones developed in IMPALA.

1. Questions regarding international treaties and constitutional arrangements that regulate the treatment of refugees, as well as some broader policy measures on asylum in general (**Legal Framework**)
2. Questions regarding grounds for recognition as a refugee or to qualify for humanitarian/subsidiary status (**Qualification**)
3. Questions regarding the reception and detention of asylum seekers (**Reception and Detention**)
4. Questions regarding the exclusion of certain individuals from asylum, refugee or subsidiary status, as well as questions regarding the termination of that status (**Exclusion and Cessation**)

5. Questions regarding the processing of asylum seekers (**Procedure**)
6. Questions regarding rights granted to asylum seekers, refugees, subsidiary status and length of such permit (working permit, living allowance, etc...). (**Internal Rights**). The name of this category is inspired by the IMPIC Database (Helbling et al. 2017).
7. Questions regarding children asylum seekers, refugees, and other particularly vulnerable individuals. (**Rights of Children**)

### 3. Country-Years and Sources

In this section I present the legislation used to codify and produce the APLA dataset. This list represents all the relevant legislations on asylum in Latin America. Any gaps or missing legislation are my responsibility and I welcome any corrections to update the database.

#### 3.1 Country-Years Coded and Sources

Country – 1990 2018	Sources
Argentina	Constitution of Argentina of 1853 (Reformed in 1994) Decree 8712 of 1961 Law 17468 of 1967 Law 22871 of 1981 Law 23160 of 1984 Decree 464 of 1985 Migration Law 25871 of 2004 Refugee Law of 2006 Resolution 1551 of 2008 Rule of Migration Law 25871 of 2010 Decree 1036 on Syrian Refugees of 2016 Rule of Migration Law 25871 of 2017
Bolivia	Political Constitution of 1967 Political Constitution of 1995 Political Constitution of 2004 Political Constitution of 2008 Political Constitution of 2009 Supreme Decree 19639 of 1983 Supreme Decree 19640 of 1983 Supreme Decree 24423 of 1996 Law 2071 of 2000 Supreme Decree 28329 of 2005 Law 251 of 2012 Supreme Decree 1440 of 2012
Brazil	Constitution of Brazil of 1988 Decree 50215 of 1961 Decree 70946 of 1972 Law 6815 of 1980 Decree 99757 of 1990 Law 9474 of 1997 (Refugee Law) Internal Rule of CONARE of 1998 Normative Resolutions of CONARE

	Conjunct Resolution of CONARE and Justice Ministry of 2017 Portaria Interministerial of 2019 (N.9 and 10)
Chile	Political Constitution of 1980 Political Constitution of 2005 Decree Law 1094 of 1975 Decree 597 of 1984 Law Chile Movil of 1999 Law 19880 of 2003 Law 20430 of 2010 Decree 837 of 2010
Colombia	Political Constitution of 1886 Political Constitution of 1991 Law 35 of 1961 Law 65 of 1979 Decree 2817 of 1984 Decree 1598 of 1995 Decree 2450 of 2002 Decree 4503 of 2009 Decree 2840 of 2013 Decree 1067 of 2015 Resolution 317 of 2014 Resolution 1272 of 2017
Costa Rica	1949 Constitution Law 6079 of 1977 Decree 14845-G of 1983 Law 7033 of 1986 Decree 29986-G of 2001 Decree 32195-G of 2004 Law 8487 of 2005 Law 8764 of 2009 Rules 36831-G (of Law 8764) of 2011 Sentence of the 'Tribunal Contencioso Administrativo', Section IV, Vote: 0103-2014 IV
Cuba	1976 Constitution 1976 Migration Law 1976 Foreign Aliens Law Reforms Constitutions: 1978, 1992, 2002 2012 Migration Law 2019 Constitution
Dominican Republic	Law 95 of 1939 Resolution 694 of 1977 Decree 1569 of 1983 Rules of Migration 279 of 1983 Decree 2330 of 1984 Law 285 of 2004 Decree 631 of 2011



	<p>Political Constitution of the Dominican Republic of 1966</p> <p>Political Constitution of the Dominican Republic of 1994</p> <p>Political Constitution of the Dominican Republic of 2002</p> <p>Political Constitution of the Dominican Republic of 2010</p> <p>Political Constitution of the Dominican Republic of 2015</p>
Ecuador	<p>Constitution of Ecuador of 1979</p> <p>Constitution of Ecuador of 1998</p> <p>Constitution of Ecuador of 2008</p> <p>Decree 3293 of 1987</p> <p>Decree 3301 of 1992</p> <p>Decree 1635 of 2009</p> <p>Decree 1182 of 2012</p> <p>Sentence of Constitutional Court N.002-14-SIN-CC</p> <p>Organic Law of Human Mobility 2017</p> <p>Rules of the Organic Law of Human Mobility 2017</p>
El Salvador	<p>Decree 167 of 1983</p> <p>Decree 918 of 2002</p> <p>Decree 79 of 2005</p> <p>Decree 839 of 2009</p> <p>Constitution of the Republic of El Salvador of 1983</p>
Guatemala	<p>Decree 22 of 1986</p> <p>Decree 95 of 1998</p> <p>Governmental Agreement 383 of 2001</p> <p>Decree 27 of 2003</p> <p>Decree 46 of 2007</p> <p>Decree 44 of 2016</p> <p>Acuerdo de Autoridad Migratoria Nacional 2019. N. 1-4.</p> <p>Political Constitution of the Republic of Guatemala of 1985</p> <p>Political Constitution of the Republic of Guatemala of 1993</p>
Honduras	<p>Decree 208 of 2003</p> <p>Rules of Migration and Aliens Act (Reglamento Ley de Migracion y Extranjeria)</p> <p>Political Constitution of the Republic of Honduras of 1982</p>
Mexico	<p>Mexican Constitution of 1917 (Reformed in 2011 and 2016)</p> <p>Ley de Población of 1974 (changed in 1990, 1992, 1996, 1999, 2008, 2009, 2010, 2010<sup>a</sup>, 2011, 2011<sup>a</sup>, 2012, 2014, 2015)</p> <p>Federal Law of Administrative Procedure of 1994 (last change in 2018)</p> <p>Rule of Ley de Población of 2000 (changed in 2006, 2011, 2012, 2018)</p> <p>Migration Law of 2011 (changed in 2013, 2013a, 2014, 2016, 2017, 2107a, 2018, 2018a)</p> <p>Refugee Law of 2011</p> <p>Rule of Refugee Law of 2012</p> <p>Rule of Migration Law of 2012 (changed in 2013, 2014)</p> <p>Updated Refugee Law of 2014</p>

Nicaragua	Decree 1096 of 1982 Law 655 of 2008 Law 761 of 2011 Decree 31 of 2012 Political Constitution of the Republic of Nicaragua 1987
Panama	Political Constitution of 1972 Law 5 of 1977 Decree 100 of 1981 Resolution 461 of 1984 Decree 23 of 1998 Law 25 of 2008 Law 81 of 2011 Law 24 of 2013 Decree 5 of 2018 Decree 113 of 2018
Paraguay	Constitution of the Republic of Paraguay of 1967 Constitution of the Republic of Paraguay of 1992 Law 978 of 1996 Decree 18295 of 1997 Law 1938 of 2002
Peru	Constitution of the Republic of Peru of 1979 Supreme Decree N.001-85-RE of 5 Julio de 1985 (N/A) Political Constitution of Peru of 1993 Supreme Decree N.060-99-RE of 1999 Asylum Law of 2002 Refugee Law of 2002 Supreme Decree N.199-2003-Re or Rule of Refugee Law of 2003 Migration Decree of 2017 Decree on Rule of Migration of 2017 Temporary Protection of Venezuelans of 2017
Uruguay	Constitution of the Oriental Republic of Uruguay 1967 (with reforms) Law 19076 of 2006 Law 18382 of 2007 Law 18250 of 2008 Decree 394 of 2009
Venezuela	Constitution of Venezuela of 1961 Constitution of the Bolivarian Republic of Venezuela 1999 Organic law on Refugees of 2001 Rules of the Organic law on Refugees of 2003

## 4 Aggregation Logic for Hypotheses Testing

In this section I present the aggregation strategy and practical steps used to produce the Regulatory Complexity and Liberalization dependent variables out of the APLA dataset.

### 4.1. Regulatory Complexity Variable

For each country-year, I select 57 indicators (out of the 65 indicators of the database) to produce the regulatory complexity variable. The eight indicators excluded regard questions on international treaties' ratification. Out of the 57 indicators selected, I select for each country-year those that include the word "Art" (for *Article*) in the 'Source' column. The presence of the word "Art" in the 'Source' column indicates that the policy measure is addressed in the legislation in a specific article and can therefore be considered included. The indicators with no articles of reference mean that the legislation does not address the issues included in those indicators, neither positively nor negatively. The percentage of indicators with the word 'Art' out of the 57 general indicators constitutes the dependent variable "Regulatory<sub>cy</sub>".

$$Regulatory_{cy} = \frac{Regulatory\_Complexity_{cy}}{\Sigma RegulatoryIndicators} * 100 \quad (1)$$

Where *Regulatory<sub>cy</sub>* is the dependent variable result of the division between the number of indicators included in the legislation of country *c* in year *y* – counted using the reference to an article in the Source section –, over the total number of indicators, 57 in this case. The result multiplied by 100 is the dependent variable *Regulatory<sub>cy</sub>*. Given the choice to limit the analysis to the indicators clearly included in a legislation by focusing on the presence or absence of the word "Art", I am underestimating the proportional adoption of these policies, as some of them are addressed, but given that are not included in decrees or regulations, but rather in the internal regulations of the national refugee agencies, they do not have articles. This means that in some cases the proportional adoption might in fact be higher. This could lead to an underestimation of the adoption of asylum policies for those governments that give national refugee agencies substantial autonomy in setting up their own criteria for the processing of asylum claims.

## 4.2. Liberalization Variable

To measure Liberalization, I produce an aggregated variable by undertaking the following. Given that every indicator tracks not only the presence, or absence, of a policy measure in a legislation, but also its restrictive, or liberal, character, I select the policies codified as 0 (liberal) and divide their sum in year  $y$  by the total of policies codified as 1s and 0s in that specific year  $y$ , that is

$$LiberalisationScore_{cy} = \frac{\Sigma LiberalPolicies_{cy}}{\Sigma RestrPolicies_{cy} + \Sigma LiberalPolicies_{cy}} \quad (2)$$

In order to produce a reliable indicator, I exclude those years in which  $\Sigma RestrPolicies_{cy} + \Sigma LiberalPolicies_{cy}$  is  $< 9$ . Usually, countries that have less than 9 total policies codified in a certain year have underdeveloped legislations that are often not used. For this reason, and because those Liberalization Scores would not be reliable indicators – being based on very few observations – I consider only those where  $\geq 9$ . The Liberalization Score is in fact a measure of Liberalization over time, where a Liberalization Score value of 1 would represent a country  $c$  with an asylum legislation in year  $y$  with only liberal policies, and a 0 would represent the asylum legislation of country  $c$  in year  $y$  with only restrictive policies.