

Nominator: [Duncan Lawrence](#) at the International Rescue Committee (IRC). Duncan is Senior Director of Innovation with roles in both the Research & Innovation and Resettlement, Asylum and Integration departments. The mission of the IRC is to help people whose lives and livelihoods are shattered by conflict and disaster, including the climate crisis, to survive, recover and gain control over their future.

Curator: Paul Niehaus.

Question: How should scarce legal service resources be allocated to refugees and asylum seekers?

For context, there is not enough volunteer attorney time or funding available to provide legal services to all the refugees and asylum seekers that could benefit from them. The problem is only getting worse as [average representation rates from FY19 to FY23 have fallen from 65% to 30%](#). The status-quo approach is for legal service providers to select the cases they will represent or institute an arbitrary selection system (e.g., first come, first serve).

Current state of knowledge (as of 8 April 2024): Prior work suggests that paid attorneys are incentivized to self-select into the cases they think they can win while low-cost legal service providers select cases in which they “think” they will make a difference (see [Greiner and Pattanayak 2012](#)). (During his time at the FBI James Comey famously referred to the former phenomenon as “[the chickenshit club](#).”) Legal service providers deploy a range of different selection approaches to allocate their limited legal resources ([Greiner 2016](#)). And As far as we know it is an open question within the immigration sector how different the resulting allocation of resources is from the one that would maximize treatment effects.

There is high variation across judges in denial rates; some of that is driven by case composition, but [Dunn, Sagun, Sirin and Chen \(2017\)](#) (among others) document that a lot is predictable from judge characteristics. The fact that asylum seekers can petition to change venue adds another layer to the optimization problem that they and their legal advisors face.

This question is related to many other policy learning problems that involve learning who is most affected by a treatment, including another Gradient Fund question on [allocating mental health resources](#). There may be important tradeoffs between maximize average treatment effects and prioritizing certain disadvantaged groups, as for example [Haushofer et al \(2022\)](#) and [Bjorkegren, Blumenstock and Knight \(2023\)](#) study in the case of targeting anti-poverty programs.

Decision relevance: If IRC could better triage cases and allocate limited legal resources optimally, we could likely serve more clients and achieve better outcomes for them. Given the powerful impact of even [temporary protection on intergenerational health](#) for example, increasing the number of vulnerable migrants who receive some form of immigration relief through a novel triage system would likely prove highly cost effective. The triage model would also be scalable, as IRC is part of a large network of immigration legal service providers who all face similar resource constraints.

Adopting a triage system will require overcoming entrenched norms regarding case selection within the legal services community and addressing perceptions of inequity if the system prioritizes certain types of cases over others.

Timeline: Everyday thousands of vulnerable migrants lack representation in immigration proceedings, so the issue is pressing. Expanding the pool of low-cost immigration attorneys faces significant challenges both in terms of supply (i.e., too few immigration attorneys) and financial resources to pay for them. As such, the problem is likely to persist and potentially worsen as the backlog of cases continues to grow.

Ideas & resources: The IRC has used allocation and triage systems in related contexts (e.g., identify priority cases for support in relocating from shelter settings) and offers immigration legal services to clients across the country. With the right partner, IRC could both explore ways to use its legal services data to inform an allocation model and then actually test it as well. UCSD researchers interested in engaging with the IRC should send a note expressing interest to gradientfund@ucsd.edu.