

COVID-19 and Asylum Outcomes in the United States: Preliminary Analysis^{*†}

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Abstract

The COVID-19 pandemic caused a breakdown in countless administrative systems and public resources at its peak, having serious consequences for the people who relied on those systems. However, even in the best of times, the United States asylum process is incredibly long, complicated, and often dangerous. In this project, I consider whether the credible fear interview, a critical first step to obtaining asylum in the United States, may have posed an even greater barrier to migrants during the height of the COVID-19 pandemic. This preliminary analysis finds that at the height of the pandemic, asylum seekers were turned away from the asylum process in the credible fear interview stage at significantly higher rates than in years prior to COVID-19. Although this analysis cannot establish a causal relationship, it highlights the importance of further investigation into the barriers faced by asylum seekers, which may have been exacerbated during the pandemic.

1 Introduction

Serving as a protection for individuals at risk of persecution and torture in their home country, the right to asylum is considered an international human right. As such, the U.S. asylum process is governed by several international laws and conventions including the Convention Against Torture. Many have argued, however, that elements of the U.S. immigration system and asylum process do not hold up to these standards [1]. In many countries, the process to obtain asylum is long, complicated, and sometimes dangerous. After facing dangerous conditions on their journeys preceding their arrival in the United States, asylum seekers are often detained during the process and forced to navigate complicated legal processes [2]. All of these steps take place in an unfamiliar justice system and language, often with no legal or interpretation assistance provided [3].

A key component of this intimidating process is the credible fear interview. In this interview, asylum seekers must explain to an immigration official why they have a credible fear of persecution or torture that prevents them from returning to their home country. Many factors can influence the outcome of this stage, from immigration policy to the language that a given asylum-seeker speaks. In this project, I explore how COVID-19 impacted the rate that credible fear was found in U.S. credible fear interviews in the asylum seeking process. This paper presents a preliminary analysis where I focus on credible fear interview outcomes for asylum-seekers from the top fifteen countries of origin in the U.S. between 2016-2021. The core variables include the COVID-19 pandemic, asylum-seeker home country region, and changes to their home country's total global asylum-seeking population. In this project, I consider if the credible fear interview, a critical first step to obtaining asylum in the United States, may have posed an even larger barrier to migrants during the height of the COVID-19 pandemic.

2 Background

Asylum is often confused with other types of U.S. immigration such as refugee entry. The process is quite different, however, most importantly in the fact that asylum can only be given to individuals who are in the U.S. or at a U.S. border. Because asylum is given as a protection against persecution and torture in other countries, the right to asylum is considered an international human right. As such, the U.S. asylum process is governed by several international laws and conventions such as the Convention Against Torture. Many scholars

^{*}To reproduce the results described in this paper, please access the project's repository and code package here: <https://github.com/shaylouth/cf-asylum-outcomes.git>

[†]A replication of this preliminary analysis using newly available data from DHS aggregated on a semi-monthly basis is currently underway. See the note about the forthcoming paper in the conclusion for more details.

have argued, however, that many elements of the U.S. immigration system and asylum process do not hold up to these standards.

There are two paths to obtaining asylum in the U.S.: affirmative and defensive. Individuals who have resided in the U.S. for less than a year and are not currently subject to removal proceedings are eligible to apply for affirmative asylum. In contrast, defensive asylum is an option claimed by individuals who are to face “expedited removal” from the U.S.. For example, whenever an individual is apprehended by Immigration and Customs Enforcement (ICE) or Customs and Border Patrol (CBP) “within 100 air miles of the U.S. border” or at a U.S. port of entry without legal documents, they are subject to expedited removal [4]. ICE or CBP agents are required to then ask the individual basic questions to screen for an intent to apply for asylum. If an intent to apply for asylum is determined by these agents, the individual begins a process leading to a credible fear interview [5].

The credible fear interview is conducted by an asylum officer in order to assess if an individual has a “credible fear” of persecution or torture if they are to return to their home country. If the individual is found to have a credible fear by the asylum officer, they are then sent to appear in front of an immigration judge who will officially hear their asylum case. Existing literature has documented the many problems that can arise during the credible fear process, particularly in regards to language barriers and equity in translation access. These barriers range from low-quality interpretation interfering with an individual’s ability to explain their stories adequately to more intense language barrier challenges for minority language speakers.

3 Methods

This analysis uses administrative data from the U.S. Department of Homeland Security (DHS) on credible fear interview outcomes, aggregated annually for the top fifteen countries of origin for asylum seekers between 2016 and 2021. The provided data includes the total number of asylum cases, the number of cases that reached decisions, and the number of cases for each outcome, including credible fear found, credible fear not found, and case closed, for each country-year pair. This information was merged with United Nations High Commissioner for Refugees (UNHCR) data on the global number of asylum seekers from each country of origin for the same years. See figures B.1 and B.2 for a visual overview of this data. The final panel dataset is strongly balanced, with fifteen countries observed over six years, yielding 90 country-year observations.

The outcome variable in this analysis is the share of completed credible fear interviews that result in a finding of credible fear, represented here as *found.decided*. The main independent variable of interest is an indicator for the COVID-19 pandemic period (coded as 1 for years 2020 and 2021, and 0 otherwise). This is a very rough way to represent COVID-19, however, due to the year-level aggregation of the available DHS data, this was the method chosen for this preliminary analysis. The model also controls for the total number of asylum seekers originating from each country globally using the UNHCR data. Given the panel structure of the data, I estimate both fixed effects and random effects models. Fixed effects estimation controls for all time-invariant differences across countries, addressing potential confounding from unobserved heterogeneity. Year fixed effects are also included to account for shocks common across all countries in a given year apart from COVID-19. A Hausman test comparing the fixed effects and random effects specifications produced inconclusive results due to near-collinearity in estimated coefficients. Therefore, the fixed effects model was selected as the preferred specification. This model can be written as:

$$\frac{found}{decided}_{it} = \beta_0 + \beta_1 covid_year + \beta_2 asylum_seekers_{it} + \beta_3 year.i + u_i + \epsilon_{it} \quad (1)$$

An additional fixed effects model was tested including an interaction between the region of the country of origin and the COVID-19 indicator in order to test for heterogeneity in the impacts of the pandemic on asylum outcomes. This model, along with the primary fixed effects model, are reported and discussed below.

4 Results

The results from the primary fixed effects model are displayed in Table 1 below. These results suggest that the COVID-19 pandemic had a substantial and statistically significant negative effect on credible fear outcomes. Specifically, the rate of affirmative credible fear findings decreased by approximately 28 percentage points during the pandemic period ($p < 0.01$), controlling for other factors. This decrease is displayed graphically in Figures F and G. The number of global asylum seekers from an individual’s country of origin also shows a small but statistically significant positive association with credible fear outcomes. This model explains approximately 82% of the variation in credible fear outcomes within countries over time, suggesting a strong fit for the panel data structure.

The additional model with the interaction term, displayed in Table 2 below, suggests that while the COVID-19 pandemic had a broadly negative impact on credible fear outcomes across all regions, the decline was particularly pronounced among asylum seekers from Central America. This finding is consistent with the heightened enforcement policies at the U.S. southern border during the pandemic period, which disproportionately affected migrants from Central America. No statistically significant differences were observed for other regions, suggesting that the pandemic's impact on credible fear outcomes was relatively uniform outside of Central America.

R-squared:			Obs per group:		
Within	=	0.8196	min	=	5
Between	=	0.0081	avg	=	5.9
Overall	=	0.6283	max	=	6
corr(u_i, Xb) = -0.0362			F(6, 67) = 50.74		
			Prob > F = 0.0000		
found_decided	Coefficient	Std. err.	t	P> t	[95% conf. interval]
covid_year	-.2801324	.0365404	-7.67	0.000	-.3530672 -.2071975
asylum_seekers	2.21e-07	1.10e-07	2.02	0.048	2.30e-09 4.40e-07
year					
2017	-.0197645	.0336825	-0.59	0.559	-.0869951 .0474661
2018	-.0329779	.0341379	-0.97	0.338	-.1011173 .0351616
2019	-.1381626	.0351889	-3.93	0.000	-.2083999 -.0679253
2020	-.1915967	.0321839	-5.95	0.000	-.2558361 -.1273574
2021	0	(omitted)			
_cons	.890199	.0246736	36.08	0.000	.8409502 .9394477
sigma_u	.10467525				
sigma_e	.08783254				
rho	.58682646	(fraction of variance due to u_i)			

Table 1: Fixed-Effects Regression Results

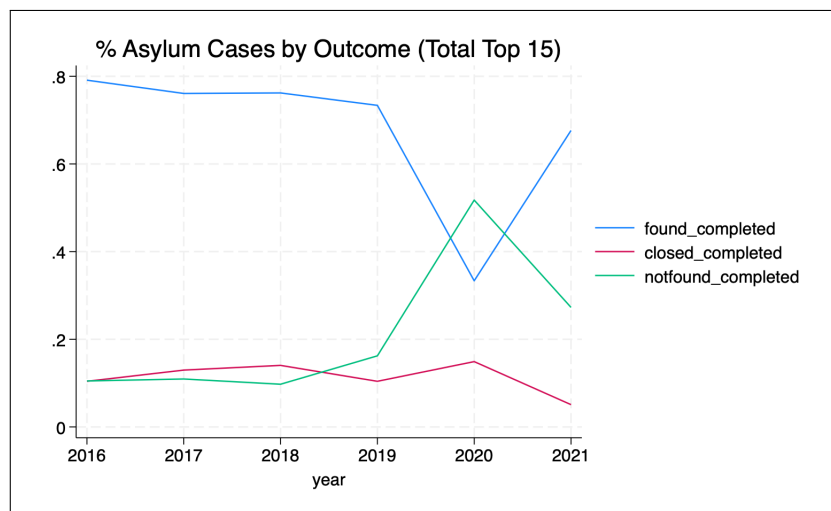


Fig. F

R-squared:

Within = 0.8495

Between = 0.1241

Overall = 0.6853

Obs per group:

min = 5

avg = 5.9

max = 6

corr(u_i, Xb) = 0.0014

F(10, 63) = 35.55

Prob > F = 0.0000

found_decided	Coefficient	Std. err.	t	P> t	[95% conf. interval]	
1.covid_year	-.2164141	.0508211	-4.26	0.000	-.3179721	-.1148562
intregion1						
Central America	0	(omitted)				
Eastern Europe	0	(omitted)				
South America	0	(omitted)				
Southern Asia	0	(omitted)				
covid_year#intregion1						
1#Central America	-.1385568	.053001	-2.61	0.011	-.2444709	-.0326427
1#Eastern Europe	.0900643	.0866196	1.04	0.302	-.083031	.2631597
1#South America	-.0724285	.0566057	-1.28	0.205	-.1855459	.0406889
1#Southern Asia	-.0199865	.0659275	-0.30	0.763	-.1517321	.1117591
asylum_seekers	2.59e-07	1.08e-07	2.41	0.019	4.44e-08	4.74e-07
year						
2017	-.0143144	.0318023	-0.45	0.654	-.0778663	.0492375
2018	-.0286217	.0322364	-0.89	0.378	-.0930409	.0357975
2019	-.1352755	.0332668	-4.07	0.000	-.2017538	-.0687972
2020	-.1906676	.0303273	-6.29	0.000	-.2512718	-.1300634
2021	0	(omitted)				
_cons	.883896	.0233607	37.84	0.000	.8372133	.9305787
sigma_u	.09576004					
sigma_e	.0827417					
rho	.57254533	(fraction of variance due to u_i)				

Table 2: Fixed-Effects with Interaction Regression Results

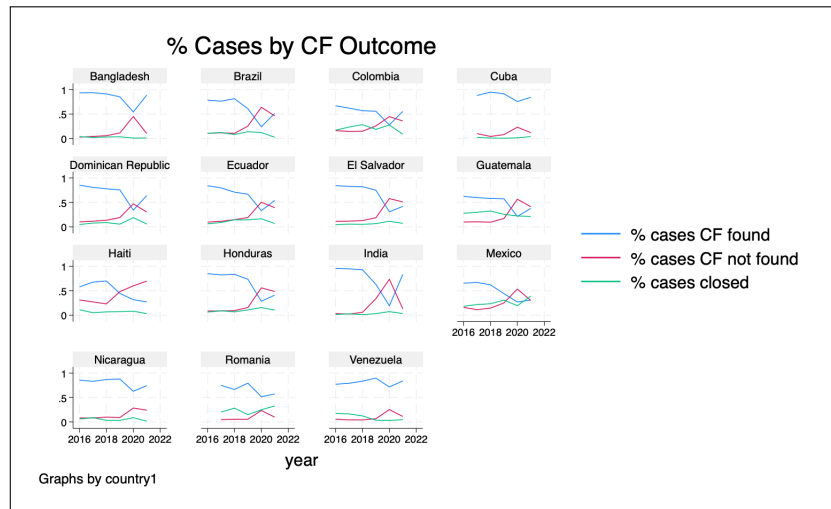


Fig. G

5 Discussion & Limitations

This preliminary analysis strongly suggests that COVID-19 and related policy changes had a statistically significant negative impact on the outcomes of asylum claims. However, further analysis is required in order to investigate these findings. The primary goal for future analysis will be to incorporate disaggregated data for

asylum outcomes (if available), so that disaggregated COVID-19 data and immigration policy change indicators may be incorporated.

In future analysis, another primary goal will be to further investigate treatment effect heterogeneity, specifically testing if the effect of COVID-19 on asylum outcomes differs by country (or region) origin. Because the interaction model did suggest that the asylum outcomes of Central Americans were more significantly impacted by COVID-19, a model with more precision designed to investigate country-level differences in the impact of COVID-19, possibly including data on specific policy changes, may yield interesting insights into this difference.

Additional Graphs

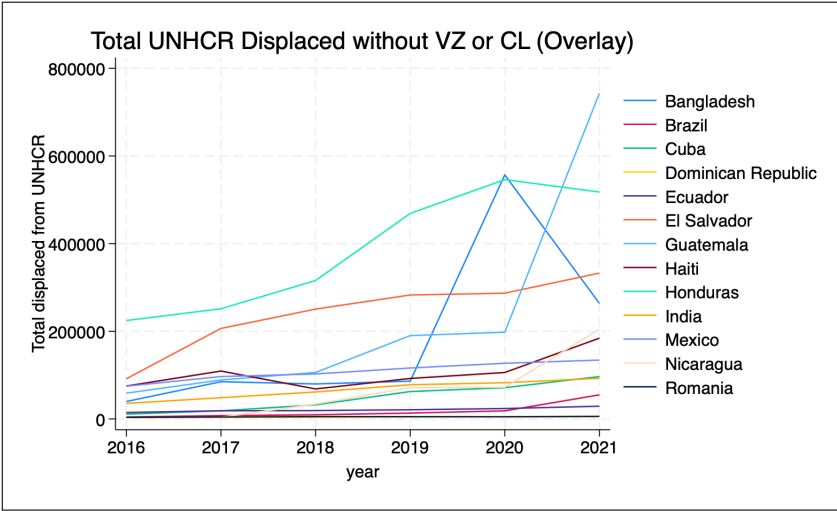


Fig. A.1

* Figures A.1 and A.2: Without Venezuela or Colombia to look more closely at countries with smaller displaced populations

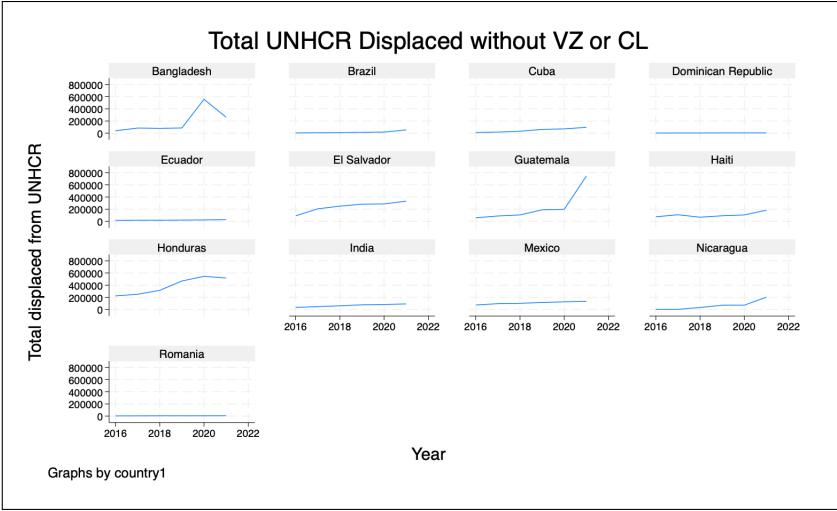


Fig. A.2

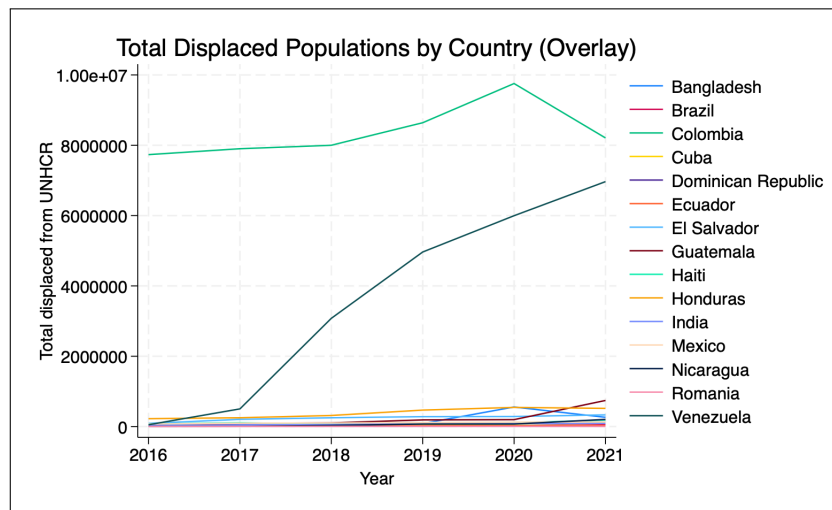


Fig. B.1

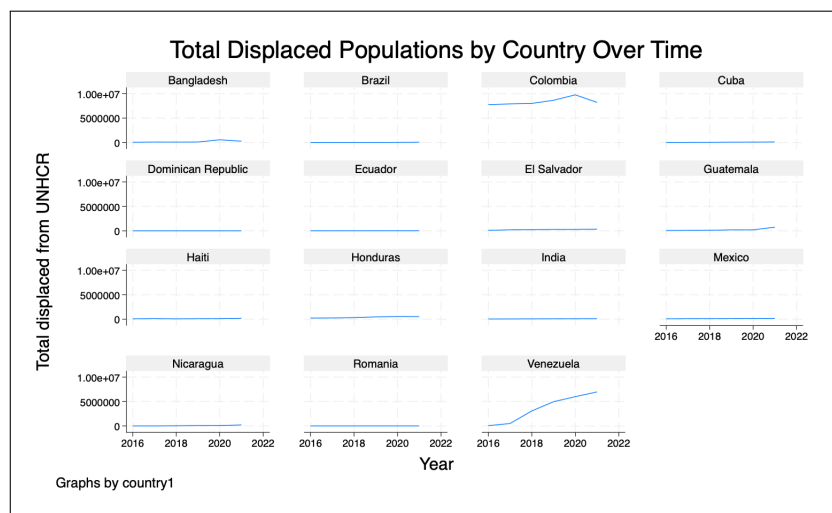


Fig. B.2

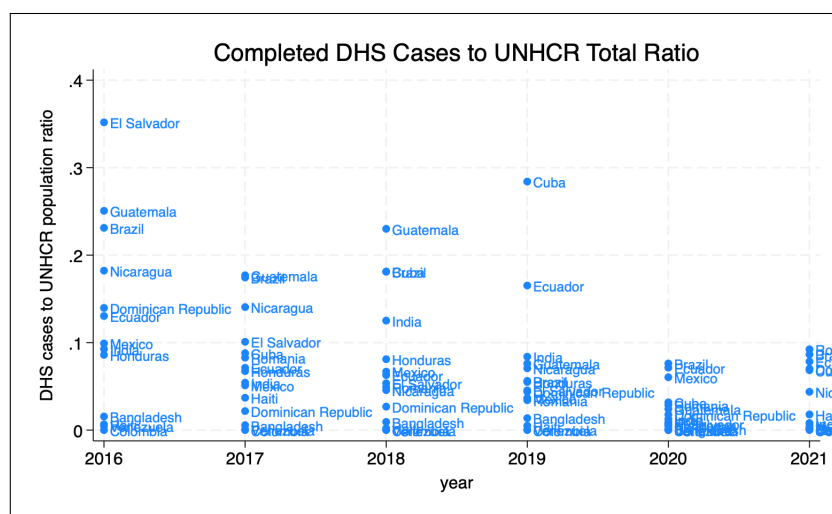


Fig. C

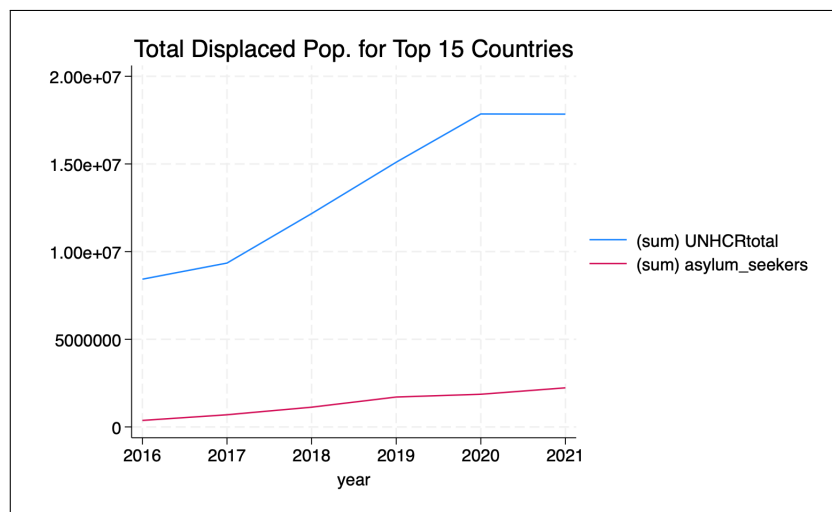


Fig. D

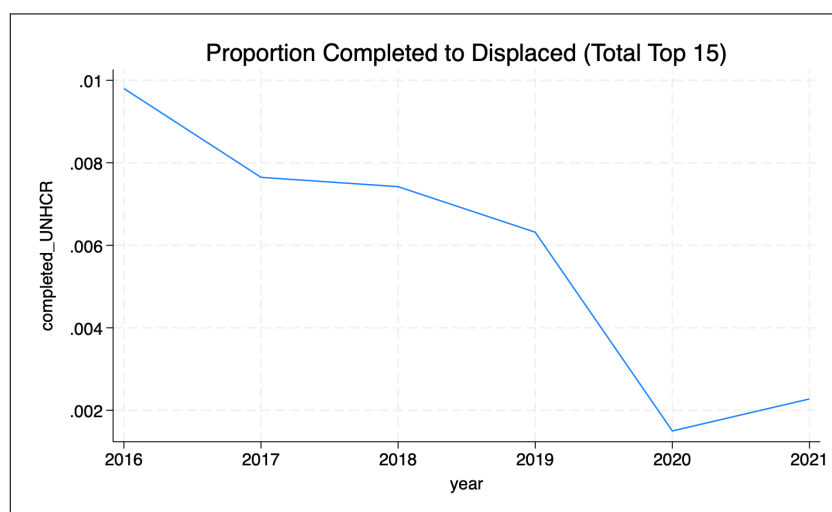


Fig. E

References

- [1] MAUREEN A. SWEENEY, S.S., COLLOPY, D.K.: Detention as deterrent: Denying justice to immigrants and asylum seekers. *Georgetown Immigration Law Journal* **36**, 292–323 (2021)
- [2] Asylum in the United States. American Immigration Council https://www.americanimmigrationcouncil.org/sites/default/files/research/asylum_in_united_states_update_jan_2024.pdf (2024)
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