Refugee and Asylum-Seeker Inflows in the United States and Other OECD Member States

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Summary

A refugee is a person fleeing his or her 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. Asylum-seekers are individuals that claim to be refugees and apply for sanctuary from within a potential host country, but whose claim for refugee status has not yet been evaluated and determined. The United Nations High Commissioner for Refugees (UNHCR) collects data on the millions of refugees and asylum-seekers worldwide and their inflows to the United States and other countries, including Member States of the Organisation for Economic Co-operation and Development (OECD). The recent economic downturn could lead to an escalation in the worldwide supply of refugees and asylum-seekers. Thus, a potential issue for Congress is whether the United States should increase admissions of asylum-seekers and refugees during a worldwide economic downturn, maintain current admission levels, or whether the economic circumstances warrant diverting refugee resources to other concerns.

In terms of refugee populations, the United States is one of 13 OECD countries that participates in large-scale resettlement of refugees. Its leadership role in refugee resettlement is substantial. For every year since 1994, the total UNHCR-registered refugee resettlements to the United States have exceeded the cumulative total for all other OECD Member States. Resettlement levels relative to the rest of the OECD, however, have declined since the mid-1990s.

Because of security concerns and political sensitivities over immigration, numerous OECD countries have moved to restrict the inflows of asylum-seekers through unilateral measures or multilateral agreements, particularly in countries that are members of the European Union (EU). In the United States, numerous measures for inflow control have been implemented, some of which other OECD countries have mirrored. Efforts such as the safe third-country agreements and various cost control programs—as well as forthcoming security-based efforts in the European Union—have lowered asylum-seeker inflow rates in the major receiving OECD countries in recent years. The United States' proportion of asylum-seeker inflows in 2007 registered at 17% of the OECD cumulative total. Germany, France, Canada, and the United Kingdom each received approximately 6%-9% of the asylum-seeker inflows.

The data in this report show that there is no uniform inflow trend across OECD countries relating to refugees or asylum-seekers. One of the main observations is that several OECD countries with historically greater numbers of asylum-seekers (such as the United States) have had the levels of their asylum-seeker inflows converge with each other. Moreover, the level at which these asylum-seeker levels have converged is in most cases markedly lower than asylum-seeker inflows during the 1990s. Other OECD countries—mainly those on the periphery of the EU—have recently experienced an upward trend in asylum-seeker inflows. This pattern is likely due to safe third country provisions and their geographic proximity to non-European Union countries.

One set of comparative measures frequently employed is the relative burdens for countries hosting refugees. When placed in the context of national income, the United States, on average, took on a larger refugee hosting burden than almost every other OECD country from 2002 to 2006. Only Germany had a higher relative burden than the United States. The United States' average relative burden was lower than that of 14 other OECD countries between 2002 and 2006. This report will be updated as necessary.

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Introduction

Worldwide there are millions of people that flee their homes and cross international borders due to threatening circumstances, including refugees and asylum-seekers. A refugee is a person fleeing his or her 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. Asylum-seekers are individuals that claim to be refugees and apply for sanctuary from within a potential host country, but whose claim for refugee status have not yet been evaluated and determined. The United Nations High Commissioner for Refugees (UNHCR)—an agency mandated to lead and coordinate international action to protect refugees and resolve refugee problems worldwide—attempts to register and assist as much of this population as possible. UNHCR contributes to a statistical database that allows for the tracking and analysis of what it describes as "populations of concern," that includes asylum-seekers and refugees. Specifically, this database allows for the comparison of refugee and asylum-seeker inflows and populations in the United States and other countries, such as Member States of the Organisation for Economic Co-operation and Development (OECD).[1] UNHCR data generally show that the United States ranks among the highest recipients of refugees and asylum-seekers in the OECD.[2]

While the refugee and asylum-seeker situation has been of concern to policymakers for many years, the recent economic downturn may hold implications for the worldwide population of concern. International slowdowns in the availability of capital, as well as the accompanying unemployment, means that resources shortages are developing due to tightening government revenues. Some countries may develop shortages of vital food and agricultural imports, which could lead to food-based migration and displacement. Resource shortages have historically also served as the basis for conflict, which could mean an escalation in the worldwide supply of refugees and asylum-seekers. Yet, the United States is also being severely impacted by the economic downturn, and the demand for government assistance is growing. Thus, a potential issue for Congress is whether the United States should increase its admissions of asylum-seekers and refugees during a worldwide economic downturn, maintain current admission levels, or whether the economic circumstances warrant diverting refugee resources to other concerns.

Providing a comparative and historical analysis of refugee and asylum-seeker inflows to the United States is of particular informational value, especially relative to other OECD countries.[3] Such information informs Members of Congress as to how policies in the United States and the rest of the OECD are impacting refugee and asylum-seeker inflows and populations. Other CRS

[1] Historically, the OECD has served as a consortium of advanced industrial countries. The OECD has as its mission to promote democracy and market economies by providing a forum where "governments compare policy experiences, seek answers to common problems, identify good practice and coordinate domestic and international policies." (OECD, "About OECD," online at [http://www.oecd.org/]) It has a process by which countries may be invited for membership and be included in the reports and analyses, so long as they meet certain accession criteria (e.g., democracy, rule of law, human rights). Thus, membership in the OECD may be used as a proxy for countries with economies in more advanced stages of development.

[2] Although the OECD publishes some of its own analysis of refugee and asylum-seeker flows to OECD countries, the data employed in these publications stems from the UNHCR database. OECD findings are generally published in *International Migration Outlook* (also known as SOPEMI), published annually by the OECD.

[3] There are currently 30 full members of the OECD: Australia, Austria, Belgium, Canada, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Korea, Luxembourg, Mexico, Netherlands, New Zealand, Norway, Poland, Portugal, Slovak Republic, Spain, Sweden, Switzerland, Turkey, United Kingdom, United States.

products provide extensive discussion of United States refugee and asylum policy.[4] The aim of this report, however, is to provide Members of Congress with a comparative data context. Various patterns will be extracted from the data and the inflows to the United States will be analyzed in comparison to other OECD Member States. The policy analysis will provide some discussions regarding policy developments in OECD countries that may impact their respective inflows of refugees and asylum-seekers. The vast majority of these policies relate to the flows of asylum-seekers, since this group tends to foster less political support in the OECD.

The data in this report shows that there is no uniform inflow trend across OECD countries relating to refugees or asylum-seekers. One of the main findings is that several OECD countries with historically greater numbers of asylum-seekers (such as the United States) have had the levels of their asylum-seeker inflows converge.[5] Moreover, the level at which these asylum-seeker levels have converged is in most cases markedly lower than asylum-seeker inflows during the 1990s. Other OECD countries—mainly those on the periphery of the EU—have recently experienced an upward trend in the asylum-seeker inflows. This pattern is likely due to their geographic proximity to non-EU countries and the existence of safe third country provisions (a concept discussed later in this report). Additionally, refugee data demonstrates that the United States continues to be the main host country of resettled refugees, both in the OECD and worldwide. Despite lower numbers of refugee resettlements in the United States from a decade ago, the number of refugee resettlements in other OECD countries has also declined. Therefore, the resettlement burden of the United States as compared to other OECD countries has remained consistent.

Concepts and Definitional/Contextual Background

Refugee policy in the United States and other OECD countries is rooted in a post-World War II context. As state parties to the *UN Convention Relating to the Status of Refugees* of 1951 and the subsequent *1967 Protocol Relating to the Status of Refugees*,[6] all Member States of the OECD have committed themselves to admitting an unspecified number of individuals fleeing persecution. The intent of the Convention was to end an ad hoc approach to refugee admissions and resettlement that had previously characterized refugee policy. The United States has adopted the principles of the convention in statute.[7] After a state officially grants sanctuary to an individual under the 1951 Convention and 1967 Protocol, the state is obligated to provide law-abiding admitted refugees with many of the same rights and privileges that citizens enjoy, such as access to courts, the right to pursue gainful employment, public education, medical access, artistic expression, and the like. These rights and privileges do not necessarily extend to individuals that have not been officially granted protective status. Yet, under the principal of *nonrefoulment*—which prohibits the expulsion or involuntary return of a refugee or a person seeking asylum to a

[4] For background on the international context see CRS Report RL31689, *U.S. International Refugee Assistance: Issues for Congress*, by Rhoda Margesson and CRS Report RL31690, *United Nations High Commissioner for Refugees (UNHCR)*, by Rhoda Margesson and Johanna Bockman.

[5] The term "converge" is used throughout this report in reference to the range of various country inflows becoming smaller. Thus, countries with converging levels are witnessing increasingly similar inflow levels.

[6] These agreements are more commonly referred to as the "1951 Convention" and the "1967 Protocol" (or, in some cases, the "New York Protocol"). United Nations, Convention and Protocol Relating to the Status of Refugees (Geneva, Switzerland: United Nations High Commissioner for Refugees, 2006). Hereafter cited as United Nations, Convention and Protocol Relating to the Status of Refugees.

[7] See Immigration and Nationality Act § 101(a)(42), §207-209.

territory where his/her life or freedom would be threatened—all parties to the 1951 Convention or 1967 Protocol must provide some evaluation of claims for sanctuary from persons within its jurisdiction. In OECD countries, sanctuary is normally offered on a permanent basis.

U.S. Context

For the United States, two historical elements were essential in shaping current U.S. law: (1) the conflicts in South and Central America in the 1970s and 1980s; and (2) the collapse of the former Soviet Union. Each of these factors compelled policymakers to examine the mechanisms for dealing with displaced populations seeking admission. These events caused policymakers to conclude that the previous ad hoc refugee efforts were inadequate for dealing with such populations, and in the late 1970s steps were taken by Congress towards codifying such measures into statute that eventually became part of current law.

The admission of refugees to the United States and their resettlement are authorized by the Immigration and Nationality Act (INA), as amended by the Refugee Act of 1980.[8] The 1980 Act had the dual purposes of providing a uniform procedure for refugee admissions and authorizing federal assistance to resettle refugees and promote their self-sufficiency. Under the INA, a *refugee* is a person who is outside his or her country and who is unable or unwilling to return 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. Refugees are processed and admitted to the United States from abroad.[9]

In addition to refugees, the INA also employs the notion of "asylees." Aliens present in the United States may apply for asylum with the United States Citizenship and Immigration Services Bureau (USCIS) in the Department of Homeland Security (DHS) after arrival into the country, or they may seek asylum before the Department of Justice's Executive Office for Immigration Review (EOIR) during removal proceedings. Aliens arriving at a U.S. port who lack proper immigration documents or who engage in fraud or misrepresentation are placed in expedited removal; however, if they express a fear of persecution, they receive a "credible fear" review with an USCIS asylum officer and—if found credible—are referred to an EOIR immigration judge for a hearing.[10]

U.S. law also specifically addresses certain populations. When civil unrest, violence, or natural disasters erupt in spots around the world, concerns arise over the safety of nationals from these troubled places who are in the United States. Humanitarian provisions exist in the INA to offer temporary protected status (TPS) or relief from removal under specified circumstances.[11] The INA also contains other ongoing provisions for certain country nationals.[12]

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[8] The INA is Act of June 27, 1952, ch. 477, codified as amended at 8 U.S.C. §§ 1101 *et seq*. The Refugee Act is P.L. 96-212, March 17, 1980.

[9] For discussion of refugee policy in the United States, see CRS Report RL31269, *Refugee Admissions and Resettlement Policy*, by Andorra Bruno.

[10] Asylum policy in the United States is discussed in CRS Report RL32621, *U.S. Immigration Policy on Asylum Seekers*, by Ruth Ellen Wasem, and CRS Report RL34587, *Female Genital Mutilation as Persecution: When Can It Constitute a Basis for Asylum and Withholding of Removal?*, by Yule Kim.

[11] CRS Report RS20844, *Temporary Protected Status: Current Immigration Policy and Issues*, by Ruth Ellen Wasem and Karma Ester.

[12] For admissions policies regarding Cuban and Haitian nationals, see CRS Report RS20468, *Cuban Migration Policy* (continued...)

UNHCR's Global Context

UNHCR Terms and Definitions

Refugee: under the 1951 Convention, a refugee is legally defined as a person fleeing his or her country because of persecution or "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 of the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country."

Asylum-seeker: a person who has made a claim that he or she is a refugee, but whose claim for refugee status has not yet been evaluated and determined.

Internally Displaced Person (IDP): a person who has been forced to move from his of her home, but remains inside the country of his or her nationality.

Population of Concern: an overarching term used by the UNHCR to cumulatively describe refugees, asylum-seekers, IDPs, stateless persons, and other victims who have been displaced or are in need of protection.

Migrant: according to UNHCR, "a wide-ranging term that concerns most people who move to a foreign country for a variety of reasons and for a certain length of time.

Immigrant: a person who takes up permanent residence in a country other than his or her homeland.

Economic Migrant: a person who leaves his/her country for financial/economic reasons (rather than refugee reasons).

While the U.S. approach to refugee issues is anchored in the INA, the UNHCR approach for dealing with refugee issues is rooted in a global context. Refugees and asylum-seekers are a subset of a larger population that UNHCR refers to as "populations of concern." This larger population can also include such individuals as internally displaced persons (IDPs), stateless individuals, or other victims who have been displaced or are in need of protection. While both asylum-seekers and refugees claim to have been persecuted or fear they could become victims of persecution under UNHCR's definition, they are distinct populations for classification purposes. Before their request for asylum has been granted, however, these individuals are classified as "asylum-seekers." For classification purposes, UNHCR categorizes most people fleeing their home country as refugees if they have not specifically applied for sanctuary from the host country.

Refugees and asylum-seekers that are registered as part of the UNHCR population of concern undergo a "status determination." These status determinations are a set of evaluation procedures used to determine their eligibility for sanctuary in a host country. While the 1951 Convention and 1967 Protocol establish a standard by which to evaluate claims for sanctuary, individual states receiving applications retain the right to determine their own procedures for recognizing and granting protective status. Evaluations of refugees and asylum-seekers are usually conducted by a national government-sponsored program,[13] through a program administered by UNHCR, [14] or

(...continued)

and Issues, by Ruth Ellen Wasem, and CRS Report RS21349, *U.S. Immigration Policy on Haitian Migrants*, by Ruth Ellen Wasem.

[13] When an individual applies for sanctuary in a given country, that country is normally responsible for determining whether the individual is to be granted official refugee status. In OECD countries, such status determinations occur mostly with asylum-seekers, although for some countries, it may involve refugee resettlement populations as well. These obligations usually exist within the country's national legislation and derive from the 1951 Convention. Some OECD countries will also conduct their own efforts to identify refugees for resettlement concurrent to UNHCR. The United States is one of the few OECD countries with concurrent national program resettlement identification efforts (although referrals from UNHCR are the norm). The United States accepts resettlement referrals from several sources: (1) UNHCR, (2) U.S. embassies, and (3) designated voluntary agencies that provide assistance to refugees overseas. It is U.S. policy to admit at least half of the refugees referred by UNHCR for resettlement each year, depending on the (continued...)

through a jointly operated program[15] shared by UNHCR and the respective national government.[16] Yet, despite the existence of UNHCR evaluation programs, the potential host country has the final authority to grant sanctuary within its borders.

Overview: UNHCR's Population of Concern

As mentioned above, the UNHCR tracks official data worldwide on groups and individuals labeled as "UNHCR populations of concern"—a classification that includes several categories such as refugees, asylum-seekers, IDPs, and other populations of concern. In 2007, the worldwide population of concern was approximately 31.7 million. Of this population, approximately 36% were refugees, 2% were asylum-seekers (with pending cases), 43% were internally displaced persons, and the remaining 19% were other populations of concern (e.g., stateless persons). Note that these figures represent those registered with UNHCR, but do not represent the full total worldwide (as many are not registered).

As shown in **Figure 1**, the period between 1998 and 2007 witnessed a shift within the UNHCR's population of concern. For most of the time period there was a downward trend in the refugee population. Yet in 2007, the year-over-year growth number of refugees rose by 15% to approximately 11.4 million, due mainly to the conflicts in Iraq and Afghanistan.[17] Asylum-seekers experienced declining numbers during the latter half of the 10-year period. Asylum-seekers dropped from a peak in 2001 of 1.1 million asylum-seekers to roughly 740,000 at the end of 2007, a decline of 32%. Persons categorized as "other populations of concern" increased notably in recent years before declining in 2007 to 5.7 million. Yet, the population that has undergone the largest absolute change in the previous few years has been the worldwide population of IDPs. At the end of 2007, UNHCR-registered population of IDPs had grown to nearly 13.7 million persons—an approximately twofold increase since 2005.

(...continued)

availability of funding (U.S. Department of State, "Refugee Resettlement Policy," 9 F.A.M. Appendix O, 100 Refugee Resettlement Policy).

[14] UNHCR often assists states that are not parties to the 1951 Convention. UNHCR may also be involved if a state's status determination procedure is non-functioning, or its determination procedure does not meet the minimum standards of fairness set out by the UNHCR United Nations High Commissioner for Refugees, *2006 UNHCR Statistical Yearbook: Trends in Displacement, Protection and Solutions*, p. 43.

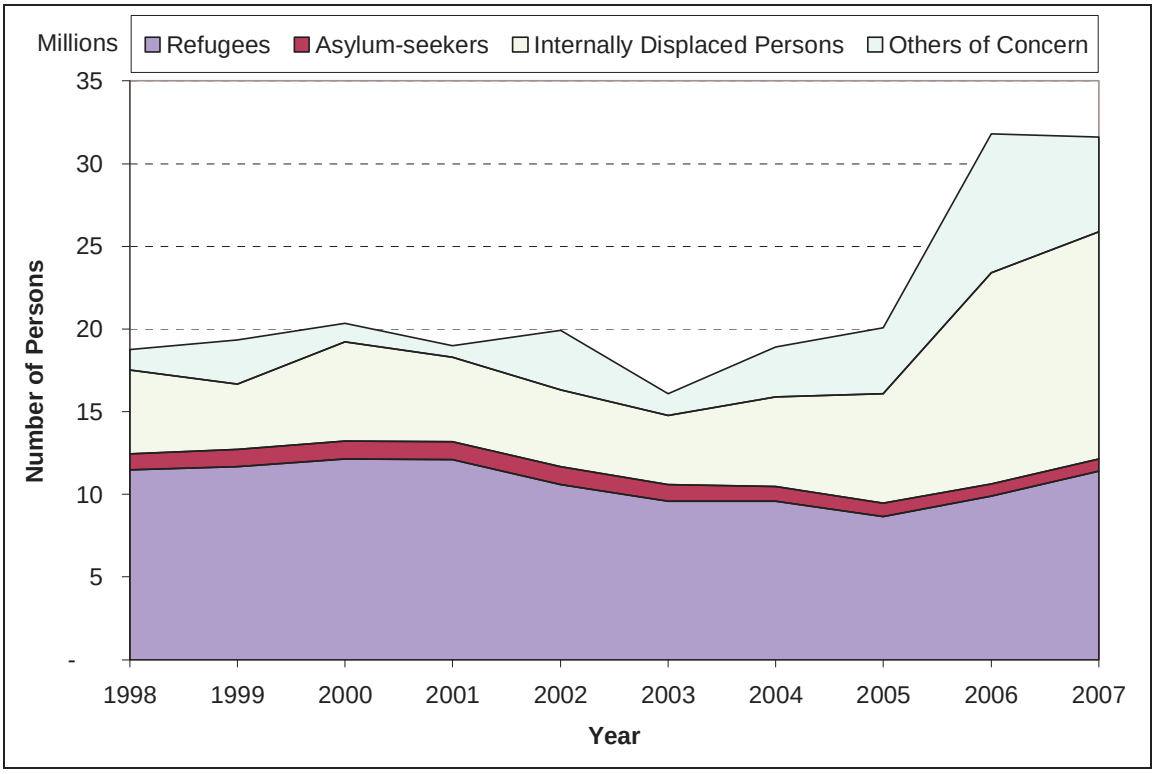
[15] In some countries with long-standing status determination experience, such as the United States and Canada, UNHCR has in place strategic partnerships that allow the agency to draw on the expertise and resources of those countries, including the deployment of national government experts to UNHCR field operations. In the United States, the State Department is responsible for overseas processing of refugees. Generally, it arranges for an overseas processing entity to conduct pre-screening interviews of prospective refugees and prepare cases for submission to the U.S. Citizenship and Immigration Services (USCIS), which handles refugee adjudications. By law, the annual number of refugee admissions and the allocation of these numbers by region of the world are set by the President after consultation with Congress. For more information on refugee policies and procedures in the United States, see CRS Report RL31269, *Refugee Admissions and Resettlement Policy*, by Andorra Bruno.

[16] UNHCR statistics for 2006 show that, for countries where data were available, 92 countries (61%) conducted their own status determination programs, 43 countries (28%) used UNHCR-administered programs, and 16 countries (11%) had jointly-administered status determination programs between the national government and UNHCR.

[17] CRS Report RL33936, *Iraqi Refugees and Internally Displaced Persons: A Deepening Humanitarian Crisis?*, by Rhoda Margesson, Jeremy M. Sharp, and Andorra Bruno, and CRS Report RL33851, *Afghan Refugees: Current Status and Future Prospects*, by Rhoda Margesson.

Figure 1. UNHCR Populations of Concern, 1998-2007

Population in Millions



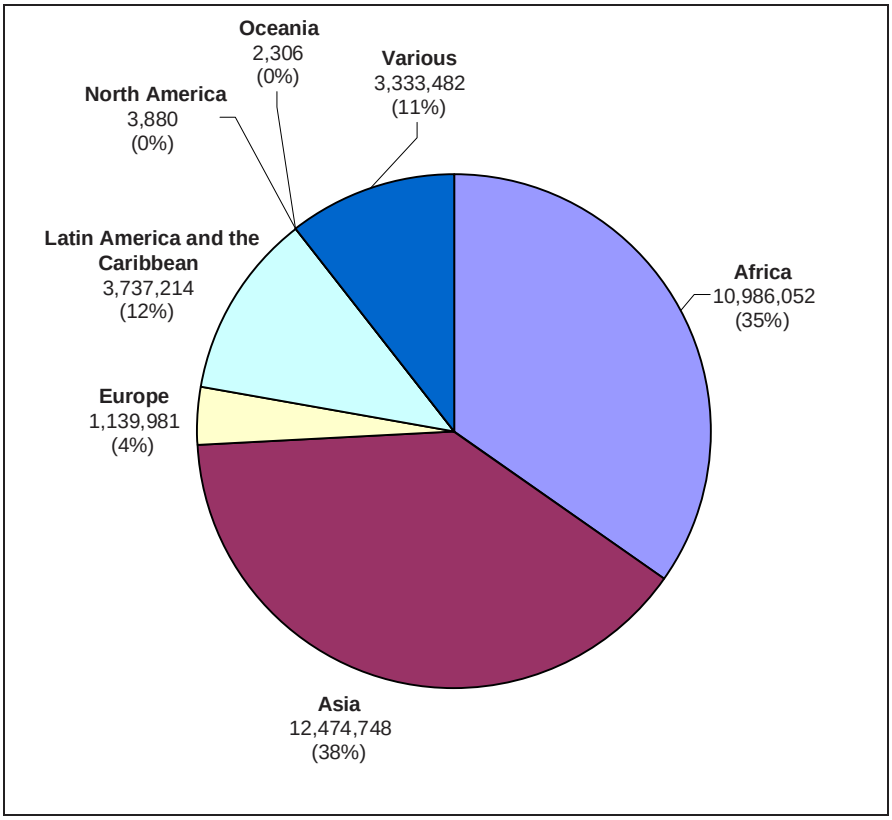
Source: CRS presentation of data from the Office of the United Nations High Commissioner for Refugees, *Statistical Yearbook, 2007: Trends in Displacement, Protection and Solutions* (Geneva: UNHCR, 2008).

Notes: The category labeled "others of concern" is composed of stateless persons, and other victims who have been displaced or are in need of protection.

The regions of origin for the populations of concern are predominantly Africa and Asia, as shown in **Figure 2**. The people from Asia and Africa constituted 38% and 35% of this population in 2007, respectively. The third-largest contributing region during the same year was Latin America and the Caribbean, which was responsible for producing 12% of the population of concern. The persons of concern originating from Europe represented 4% of the estimated total population. North America's population (excluding Mexico and the Caribbean) represented less than 1% of the total population—similar to persons of concern from Oceania. The category of other populations such as stateless persons (labeled "various" in **Figure 2**) accounted for 11% of the worldwide population.

Figure 2. UNHCR Population of Concern, by Region of Origin

Data for 2007



Source: CRS presentation of data from the Office of the United Nations High Commissioner for Refugees, *Statistical Yearbook, 2007: Trends in Displacement, Protection and Solutions* (Geneva: UNHCR, 2008).

Notes: The "various" category consists mainly of stateless persons. The total population of the chart is 31,677,661.

Refugee Resettlement in OECD Member States

As mentioned above, those refugees determined by the UNHCR to be most at risk are eligible to be screened and processed for permanent resettlement in a country with an existing resettlement agreement. Mandated by the UNHCR's charter, resettlements are used as a protection tool and durable solution for resettled individuals. Among OECD countries, the United States is somewhat unique in its continued participation in large-scale resettlement of refugees. The majority of OECD countries do not participate at all in refugee resettlement and fulfill 1951 Convention terms by processing asylum-seekers that arrive within their borders. In the past decade, only 12 other OECD Member States have participated in refugee resettlement,[18] and one of those countries—Japan—has not resettled any refugees since 2001. By contrast, countries such as Australia, Canada, and the United States have consistently resettled thousands of refugees on an

[18] The other countries are Australia, Canada, Denmark, Finland, Iceland, Ireland, Japan, Netherlands, New Zealand, Norway, Sweden, and the United Kingdom.

annual basis, thereby constituting the states most involved in refugee resettlement over the past 10 years.

Resettlement Inflows

The depiction of refugee resettlement in industrialized countries in **Figure 3** below reveals the large refugee resettlement inflows into the United States relative to other OECD countries. For every year since 1994, the total inflows to the United States have exceeded the cumulative total for all other OECD Member States. Although the inflow level was multiple times higher than the remaining OECD countries during the mid-1990s, the two levels nearly converged in 2002 and 2003. This trend toward convergence was mostly due to declining inflows into the United States following the terrorist attacks of September 11, 2001. U.S. refugee inflow levels dropped by approximately 76% from 1994 to 2002. Since 2002, the United States has experienced a general upward trend, and in 2007 the United States resettled over 48,000 refugees. Comparatively, the cumulative total for other OECD countries has remained more consistent, fluctuating in a range between 22,000-32,000 resettlements annually from 1996 to 2007.

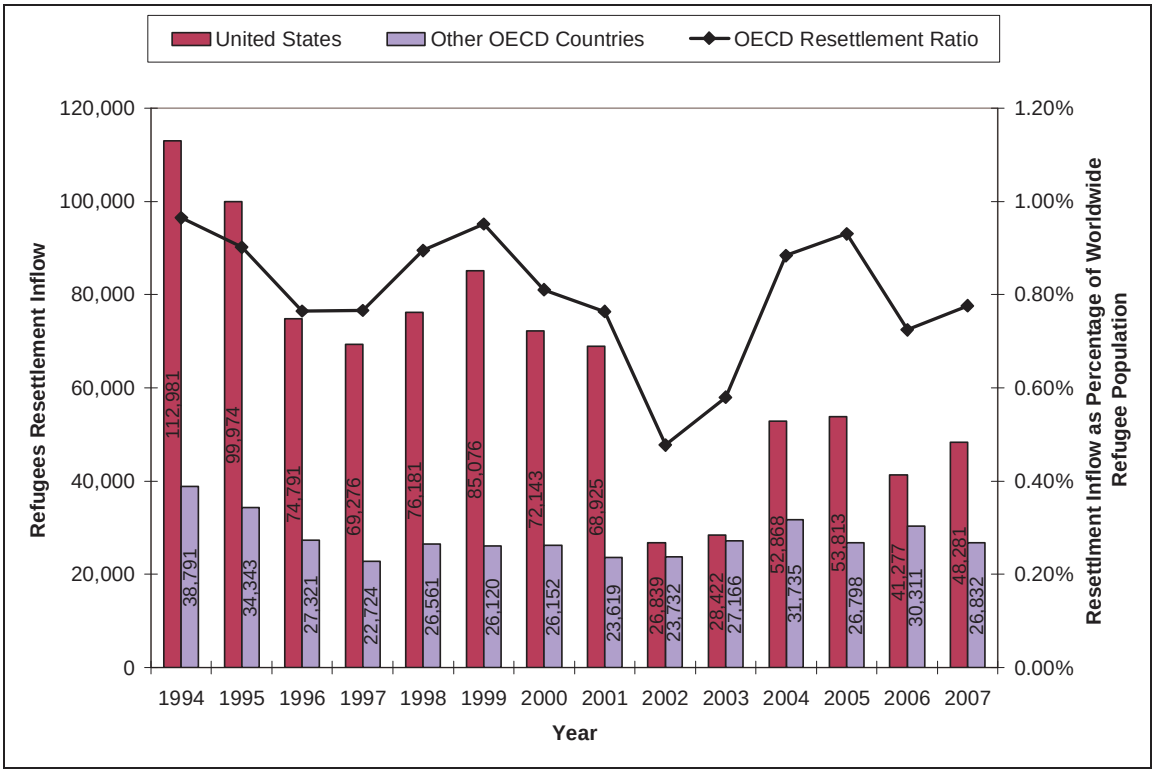
Another notable aspect of **Figure 3** is the depiction of refugee resettlement to the United States and other OECD countries in relation to UNHCR's worldwide refugee population total.[19] While the OECD as a whole has annually resettled at least 50,000 refugees, since 1994 these inflows have not exceeded 1% of the worldwide refugee population for a given year. Because the process for refugee resettlement is challenging and resource-intensive, relatively few refugees are chosen (or even eligible) for resettlement. According to UNHCR, "the selectivity of resettlement ... must remain focused on protecting refugees who are at risk." In addition, refugee resettlement requires close coordination with national governments and non-governmental organizations (NGOs). These agencies frequently work with UNHCR in the identification and screening of resettlement candidates, and facilitating such interaction can be both time- and resource-intensive. Although some observers argue that the 1% proportion indicates that more refugees could be resettled in industrialized countries, the numbers in **Figure 3** speak equally to the significant size of the refugee population in the world.

What is more apparent from **Figure 3** is that the fluctuations in the proportion of refugees resettled to the worldwide refugee total could be largely attributed to the changes in inflows to the United States. From 1994 through 2001, the contribution of the United States to refugee resettlement in all OECD countries hovered between 73% and 77%. Consequently, the ratio of the worldwide population being resettled in other OECD countries largely mirrored the resettlement pattern to the United States. This mirroring pattern continued when this same ratio experienced a large drop in 2002. Since 2003, the mirroring pattern has continued, although the relatively large change in the ratio is likely more attributable to worldwide decline in the refugee population during this period than due to changes in United States inflows. Also, the share of refugee inflows to the United States as a percentage of total OECD refugee resettlement inflows ranged between 58%-67% from 2003 to 2007. Consequently, while the United States still accounts for roughly two-thirds of refugee resettlements in OECD countries, its share has diminished somewhat since the mid-1990s.

[19] This worldwide refugee population total does not include the other categories included under UNHCR's populations of concern, such as asylum-seekers.

Figure 3. Refugee Resettlement Inflows and Ratios for the United States and Other OECD Countries

Data for 1994-2007



Source: CRS presentation of data from the Office of the United Nations High Commissioner for Refugees, *Statistical Yearbook, 2006: Trends in Displacement, Protection and Solutions* (Geneva: UNHCR, 2007) and *Statistical Yearbook, 2007: Trends in Displacement, Protection and Solutions* (Geneva: UNHCR, 2008).

Migration Concerns and Political Values

The policy approaches that countries have taken towards refugees and asylum-seekers has been largely intertwined with the political value countries have placed on immigration in general. While countries such as the United States, Canada, and Australia have traditionally had relatively proactive immigration policies, many European countries have not historically accepted many immigrants and have practiced highly restrictive legal immigration policies. These divergent immigrant experiences are partly reflected in the United States' willingness to accept hundreds of thousands of permanent immigrants annually. Consequently, refugees have constituted a smaller share of permanent inflows into the United States.[20] By comparison, most European countries tend to prefer admitting foreign nationals on a temporary basis, and in many European countries asylum has become a main avenue for entry and a perceived "loophole" for immigration.

The sizable inflows of asylum-seekers to many European countries has led to a perception in a number of states that their asylum systems are overburdened. In many countries, the expenditure of resources towards special accommodations, financial assistance, and providing temporary

[20] In FY2008, the ceiling for refugee admissions was 80,000, compared to 70,000 from the previous six fiscal years.

employment, has led to dissatisfaction with the asylum system. Additionally, the wave of migrants that arrived in Western Europe with the collapse of the Soviet Union and Communist control over Eastern Europe placed a burden on public resources that many European policymakers are not eager to see repeated. Thus, many of the restrictive policy trends that are noted in subsequent sections have emerged out of these political developments in Europe over the last two decades. Moreover, the lack of geographic barriers make travel to Europe less strenuous, and, as a result, make some countries on the European periphery especially susceptible to asylum-seeker inflows.

An additional development affecting asylum-seeker and refugee policies in European OECD Member States has been the expanded number of Member States in the European Union (EU). For EU Member States, their nationals may freely travel, settle, and seek employment in other Member States. While such an arrangement should benefit the economic development of the entire EU area in the long term, political and cultural concerns have been raised about the impact this openness may have on various countries. Moreover, since countries cannot restrict flows from within the EU area, they have shown a greater eagerness to restrict unwanted flows from outside. Thus, asylum-seekers have become a prominent target for certain proponents of immigration restriction. EU countries are increasingly attempting to coordinate immigration and asylum-seeker policies, such as the recently passed European Pact on Immigration and Asylum.[21] The inflow of large numbers of unauthorized immigrants has prompted security concerns amongst policymakers in Europe (as it has in the United States). The new European security-based provisions are likely to impact asylum-seekers since the proposed changes to EU policy will be based upon the concept of "country reception capacity"—thereby suggesting that inflows to each country beyond the level of "reception capacity" constitutes a security risk.[22]

For many OECD countries, however, the most confounding factor is illegal migration. The difficulty for many countries is separating illegal economic migrants from actual asylum-seekers that have migrated inside their borders. Moreover, asylum-seekers may have economic considerations when migrating to a destination country. Although less than 1% of UNHCR populations of concern are admitted into OECD countries, these countries are frequently desirable destinations for asylum-seekers because of the stronger performing economies and potential for social and economic upward mobility. Thus, the question for many OECD policymakers has been how to develop adequate inflow control measures without excluding genuine asylum-seekers.

Asylum Policy Shifts, Cost Control, and Security Mechanisms

Empirically, OECD countries with strongly performing economies are likely to be recipients of relatively higher rates of asylum applications.[23] Strong economies serve as an incentive for

[21] Jim Brunsden, "EU Agrees Wide-ranging Immigration Plans," *European Voice*, October 16, 2008, online at [http://www.europeanvoice.com/article/2008/10/eu-agrees-wide-ranging-immigration-plans/62739.aspx].

[22] According to reports, the "reception capacity of individual countries will be based upon their abilities to provide employment, housing, education, health and social services." (Renata Goldirova, "EU to Rubber-stamp Common Immigration and Asylum Rules," *EU Observer*, October 15, 2008, online at [http://euobserver.com/22/26924].

[23] Asylum-seekers have commonly been treated as a distinct category under the immigration policies of most OECD countries, often because of the forced nature of the migration combined with the geographic location from which their application is submitted. Partly, the distinct categorization arises because the potential host country does not have the (continued...)

economic migrants to travel to these states (in either an authorized or unauthorized manner), but not necessarily for asylum-seekers. More recent asylum-seeker policies throughout the OECD, however, have seemingly been based upon the assumption that asylum-seekers are economically rational actors, similar to many illegal immigrants. The response in the United States and throughout other OECD states has been to develop proactive measures to control the flows of asylum-seekers, by way of unilateral measures or via multilateral agreements. Efforts such as safe third-country agreements and various cost control programs have been the likely cause of the convergence of asylum-seeker inflow levels in certain OECD countries with historically higher inflow rates (a convergence that is depicted in **Figure 4**).

Inflow Control

A number of efforts to control the inflow of asylum-seekers embrace a concept that political scientists refer to as "beggar thy neighbor." Commonly used to refer to protectionist trade barriers, the term describes a policy whereby the objective or benefit sought by one country is achieved at the expense of others. In the case of asylum flows, a number of OECD countries have employed mechanisms and advocated policies that transfer the asylum-hosting obligations (and costs) to other countries. While some advocates view this shift as avoiding obligations, others contend that it constitutes an equitable distribution of cost in sheltering asylum-seekers and refugees. A few of these policy mechanisms—discussed in the sections below—are employed in the United States, while others are more unique to other OECD member states.

Asylum-Seekers in the United States

Controlling the mass inflow of asylum-seekers has been a concern of U.S. policymakers for decades.[24] Prior to 1996, aliens arriving at a port of entry to the United States without proper immigration documents were eligible for a hearing before an immigration judge to determine whether the aliens were admissible. Aliens lacking proper documents could request asylum in the United States at that time. If the alien received an unfavorable decision from the immigration judge, he or she also could seek administrative and judicial review of the case. Critics of this policy argued that illegal aliens were arriving without proper documents, filing frivolous asylum claims, and obtaining work authorizations while their asylum cases stalled in lengthy backlogs.

The Illegal Immigrant Reform and Immigrant Responsibility Act of 1996 (IIRIRA)[25] made substantial changes to the asylum process, including establishing expedited removal proceedings; codifying many regulatory changes; adding time limits on filing claims; and limiting judicial review in certain circumstances, but it did not alter the numerical limits on asylee adjustments. Foreign nationals arriving without proper documents who express to the immigration officer a fear of being returned home must be kept in detention while their "credible fear" cases are

(...continued)

opportunity to screen candidates from outside its borders. Yet, academic analysis of asylum-seeker behavior has suggested that once compelled to flee their country of origin, asylum-seekers may undergo similar cost/benefit calculations as economic migrants. In addition to employment considerations, the cost/benefit calculations of asylum-seekers tend to account for such factors as cultural adjustments, the pre-existing family or group ties, linguistic barriers, and public benefits made available (Wayne A. Cornelius and Marc R. Rosenblum, "Immigration and Politics," *Annual Review of Political Science*, vol. 8 (June 2005), pp. 99-119).

[24] CRS Report RL32621, *U.S. Immigration Policy on Asylum Seekers*, by Ruth Ellen Wasem.

[25] P.L. 104-208.

pending.[26] Moreover, the reforms established serious consequences for aliens who file frivolous asylum applications.

IIRIRA also codified many regulatory revisions of the asylum process that the former George H.W. Bush and Clinton Administrations made. Most notably, aliens are statutorily prohibited from immediately receiving work authorization at the same time as the filing of their asylum application. Now the asylum applicant is required to wait 150 days after the USCIS receives his/her complete asylum application before applying for work authorization.[27] The USCIS then has 30 days to grant or deny the request. IIRIRA also added a provision that enabled refugees or asylees to request asylum on the basis of persecution resulting from resistance to coercive population control policies, but the number of aliens eligible to receive asylum under this provision was limited to 1,000 each year.

Safe Third Country

One form of cost shift and inflow control in the OECD has been through "safe third country" provisions. A safe third country is a country the asylum-seeker has passed through *en route* to the receiving country and with which the receiving country has a reciprocal agreement. Under a safe third-country agreement, the receiving country can refuse to make an asylum determination, if the safe third country (the country an asylum-seeker passed through) is technically responsible for examining the application.[28] These types of arrangements are most common among the OECD states that belong to the EU. Major recipients of refugee flows in the EU have generally advocated such agreements between the EU Member States, as it allows these countries to shift some asylum determination responsibilities to other countries without violating the direct terms of the 1951 Convention or 1967 Protocol. The UNHCR has stated that responsibility-sharing agreements between states can, when appropriate safeguards are in place, enhance the international protection of refugees by ensuring the orderly handling of asylum applications.

The United States has only one similar arrangement in place: the U.S.-Canada Safe Third Country Agreement.[29] Effective since December 29, 2004, the program is run through a cooperative agreement between Citizenship and Immigration Canada (CIC) and three U.S. Department of Homeland Security (DHS) agencies: Customs and Border Protection (CBP), U.S. Citizenship and Immigration Services (USCIS), and Immigration and Customs Enforcement (ICE).[30] As part of the agreement, UNHCR independently monitors and reviews the implementation of the program and offers recommendations for improvement and compliance. The impact, however, has been small. In the United States, during the first year of implementation, there were 66 such claims at

[26] For background and analysis on detention policy under the Immigration and Nationality Act, see CRS Report RL32369, *Immigration-Related Detention: Current Legislative Issues*, by Alison Siskin.

[27] 8 C.F.R. §208.7.

[28] The concept of safe third country has been described as follows: "An asylum-seeker is denied access to substantive refugee determination procedures in a particular [country] on the ground that he or she already enjoyed, could or should have requested and, if qualified, would actually have been granted refugee protection in another country" (Eva Kjaergaard, "The Concept of 'Safe Third Country' in Contemporary European Refugee Law," *International Journal of Refugee Law*, vol. 6, no. 4 (1994): p. 651).

[29] INA §208(a)(2)(A) and (C).

[30] CBP is responsible for identifying individuals subject to the agreement, USCIS is responsible for conducting a threshold screening determination to determine if an exception to the agreement applies, and ICE is responsible for the physical custody of individuals subject to the agreement, as well as the return to Canada of individuals who fail to establish an exception to the agreement.

land border points of entry (POE).[31] Of those 66 claimants, 62 were subject to the agreement. The other four claimants were Canadian citizens, who are not subject to the agreement.[32] During the same time period, Canadian authorities returned 303 individuals to the United States as a result of the application of the agreement.[33]

The concept of a safe third-country mechanism first emerged in 1990 as part of the so-called Dublin Convention of EU Member States.[34] The objective of this convention was to determine which Member State would be responsible for examining an application for asylum—a matter not explicitly declared in the 1951 Convention or 1967 Protocol.[35] The parties agreed to abide by the order of responsibility laid out in the Dublin Convention, and subsequent agreements included conditions for accepting third country asylum-seekers. Critics, however, have contended that adequate safeguards are sometimes not in place.

One of the main concerns about the concept of safe third countries for asylum-seekers has been its potential for unilateral application by a receiving country. Without a bilateral agreement, removing asylum-seekers from a receiving country to a third country could result in a refusal by the third country to accept the asylum-seeker. Critics have referred to such a phenomenon as "refugees-in-orbit," wherein the asylum-seeker is deported from country to country until a government chooses to accept the asylum-seeker. In the EU, third country responsibilities are required between Member States, but the same requirements are not applicable to non-Member States.[36] EU countries have historically attempted to make arrangements with countries that are

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[31] Between 2000 and 2004, there was an average of 58 asylum claims from individuals arriving at a Canada and U.S. land border POE each year. Asylum claims from individuals arriving at a Canada and U.S. land border port of entry during fiscal years 2000 to 2004 were as follows: 2000 (72), 2001 (68), 2002 (64), 2003 (32), and 2004 (54). The 66 cases during the first year of implementation stem from calendar year 2005 rather than fiscal year.

[32] U.S. Citizenship and Immigration Services and Citizenship and Immigration Canada, *U.S.-Canada Safe Third Country Agreement*, Assessment Report (Washington, D.C., November 16, 2006).

[33] *Ibid.*

[34] "Convention Determining the State Responsible for Examining Applications for Asylum Lodged in One of the Member States of the European Communities - Dublin Convention," *Official Journal of the European Union*, C254 (August 19, 1997): 1-12. As is commonly the case with agreements between European states, the agreement signed in Dublin, Ireland, on June 15, 1990, was named after the location where the diplomatic relations occurred. The original 12 signatories to the Dublin Convention were Belgium, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, and the United Kingdom. Prior to the Member States recognizing each other as safe third countries, the notion had been based on the unilateral decisions of individuals states. By 1998, the agreement had been extended to Austria, Finland, and Sweden.

[35] The 1990 Dublin Convention addressed these issues by explicitly setting out rules for determining which countries had adjudication responsibility under a number of potential asylum-seeking scenarios. The agreement took effect on September 1, 1997, and was subsequently adopted by later parties to the agreement. In 2003, the agreement was replaced by the so-called Dublin II Regulations.

The 2003 regulations were intended to build on the asylum-seeker determination responsibilities provisions of the Dublin Convention by preventing unauthorized immigration and "visa shopping" by applicants through different Member States. The original Dublin Convention had, among other things, been criticized for laying vague burdens of proof for determining illegal entry into a Member State (Agnes Hurwitz, "The 1990 Dublin Convention: A Comprehensive Assessment," *International Journal of Refugee Law*, vol. 11, no. 4 (1999): 646-677). The Dublin II Regulations aim to prevent such behavior through information sharing in the European Automated Fingerprint Recognition System (EURODAC), as well as forcing the responsible state to accept the return of an asylum-seeker (within a limited and specified time period) who is residing illegally in another member state.

[36] Under the London Resolutions of 1992, in cases where an asylum-seeker has traveled through a non-Member State before arriving in the receiving country, that Member State can remove the asylum-seeker to the third country—provided the third country complies with the 1951 Convention. Agreements with Norway, Iceland and Switzerland have extended the Dublin Convention terms to those three non-Member States.

frequently stopovers before a final European destination.[37] But the bilateral approach to safe third country agreements has resulted in numerous EU Member States having mismatched lists of safe third countries (presumably because of different interpretations of what constitutes compliance with the 1951 Convention). Since 1999,[38] the EU has been working toward harmonizing minimum standards on procedures in Member States for granting and withdrawing refugee status, including creating an EU list of third countries as safe countries of origin.[39] Several other OECD countries outside the European Union have set up their own bilateral safe third country provisions.

Safe third-country provisions have likely caused some shift in the distribution of asylum-seekers among OECD countries with high inflow rates, such as the United Kingdom. As a country located in the northeastern region of Europe—and thus effectively containing a buffer zone from many asylum-seeker countries of origin—one would expect to see a notable number of asylum-seekers categorized as "not subject to asylum consideration" because of the availability of a safe third country. Cumulatively from 1996 through 2007, the United Kingdom refused consideration to roughly 20,200 principal applicants, but annually it never accounted for more than 8% of all asylum applications during that time period.[40]

Deterrence Mechanisms

A notable cause of shifting burdens of asylum-seeker inflows in some OECD countries has been policy mechanisms designed to control flow rates and deter fraud and abuse. Working on the belief that asylum-seekers are economically rational, numerous governments and immigration critics across the OECD area have argued that some migrants engage in so-called "asylum shopping"—the practice of applying for asylum in several countries in order to maximize the likelihood of a positive asylum determination and/or receiving the most generous public benefits. The United States has implemented deterrence mechanisms, among other ways, through the previously discussed expedited removal mechanism, as well as the ongoing efforts to implement the provisions of the REAL ID Act.[41] Several tactics have been attempted or implemented in various other OECD countries. Most widespread has been the development of shared databases on asylum-seekers. The inclusion of fingerprints and other biometric identifiers in systems like Eurodac,[42] as well as the issuance in some cases of special identification cards,[43] provides governments with improved tools for tracking asylum-seekers to ensure that they do not migrate from the first country of asylum to claim improved public benefits. The European Pact passed by the EU in October 2008 requires that Member States should start issuing biometric visas from

[37] Eva Kjaergaard, "The Concept of 'Safe Third Country' in Contemporary European Refugee Law," *International Journal of Refugee Law*, vol. 6, no. 4 (1994), p. 653.

[38] Member States undertook to set up a common European asylum system based on the full and inclusive application of the 1951 Convention at the Tampere European Council in October 1999.

[39] European Union, "Future Common European Asylum System," *Europa: Activities of the European Union*, July 30, 2008, at [http://europa.eu/scadplus/leg/en/lvb/l14561.htm].

[40] Based on CRS analysis of statistics from the United Kingdom Home Office, Asylum Statistics: United Kingdom, London: H.M.S.O., 1997-2008.

[41] P.L. 109-13.

[42] Eurodac is a large database of fingerprints of applicants for asylum and illegal immigrants found within the EU that complies with provisions in the Dublin Convention on handling claims for asylum.

[43] "Asylum-seekers given 'smart' ID cards," *BBC*, January 31, 2002, sec. UK Politics, at [http://news.bbc.co.uk/2/hi/uk_news/politics/1793151.stm].

January 1, 2012, establish an EU-wide electronic entry/exit system to record the movement of people, and only regularize the status of unauthorized individuals on a "case-by-case" basis.[44]

Voucher Program

The United Kingdom, which has been a vocal advocate of asylum policy reforms in the European Union,[45] introduced two programs in the past decade that some observers believe were designed specifically to prevent asylum shopping.[46] Officially, these programs were aimed at preventing asylum fraud, illegal immigration, and human smuggling. The first of these efforts was a voucher program for asylum-seekers that was implemented in place of cash-based social security benefits. Although small cash allowances were also received, asylum-seekers were required to collect vouchers for most purchases at the post office and use the voucher in place of cash or credit at businesses. A review of the program by the UK Home Office found that the voucher scheme had encountered a number of operational problems such as business owners refusing to accept vouchers. Moreover, complaints from asylum-seekers and advocates claimed that the program was causing a further stigmatization of asylum-seekers and that many users suffered embarrassment.[47] The UK government eventually did away with the voucher program in 2002, and instead instituted "smart card" identification requirements, including biometric identifiers such as fingerprints.[48] In the United States, such a voucher program has not been attempted as the INA bans asylum-seekers from receiving any public benefits until they become legal permanent residents.[49]

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[44] Jim Brunsden, "EU Agrees Wide-ranging Immigration Plans," *European Voice*, October 16, 2008, online at [http://www.europeanvoice.com/article/2008/10/eu-agrees-wide-ranging-immigration-plans/62739.aspx].

[45] In 2003, the United Kingdom advocated large scale reforms to the European Union asylum policy, including efforts to combat illegal immigration and asylum shopping. Much of this proposal was based on the former restrictive policies of the Australian government. After criticism from asylum advocacy groups, these proposals were rejected by the European Union. However, on June 19, 2008, European Union lawmakers voted to allow undocumented migrants to be held in detention centers for up to 18 months and banned from European Union territory for five years. The EU countries came to an agreement on October 16, 2008 known as the European Pact that would institute greater border controls in the EU area and institute a common immigration and asylum policy in an effort to stem the inflow of unauthorized immigrants. According to UNHCR, this measure could affect potential asylum-seekers that opt for illegal entry to Europe because of a lack of legal channels. (Tony Blair to Costas Simitis, "New International Approaches to Asylum Processing and Protection," letter, March 10, 2003; European Council on Refugees and Exiles, "Statement of the European Council on Refugees and Exiles on the European Council Meeting, 21 and 22 March 2003," press release (London, UK, March 17, 2003); Human Rights Watch, "An Unjust "Vision" for Europe's Refugees: Human Rights Watch Commentary on the U.K.'s "New Vision" Proposal for the Establishment of Refugee Processing Centers Abroad," June 17, 2003; Joanne van Selm and Eleni Tsolakis, "The Enlargement of an 'Area of Freedom, Security and Justice': Managing Migration in a European Union of 25 Members," *Policy Brief* (Washington, D.C.: Migration Policy Institute, May 2004); Caroline Brothers, "E.U. Passes Tough Migrant Measure," *The New York Times*, June 19, 2008, sec. International/Europe).

[46] Both programs were intended only for asylum-seekers. If an asylum-seeker's application was approved, these restrictions would be lifted.

[47] Home Office, *Report of the Operational Reviews of the Voucher and Dispersal Schemes of the National Asylum Support Service* (London, UK: Home Office, October 2001), p. 5.

[48] "Asylum-seekers given 'smart' ID cards," *BBC*, January 31, 2002, sec. UK Politics, at [http://news.bbc.co.uk/2/hi/uk_news/politics/1793151.stm], visited May 19, 2008.

[49] For more information, see CRS Report RL33809, *Noncitizen Eligibility for Federal Public Assistance: Policy Overview and Trends*, by Ruth Ellen Wasem.

Dispersal Actions

The second program associated with preventing asylum shopping in the United Kingdom has been the government's effort to disperse asylum-seekers.[50] Following the Immigration and Asylum Act of 1996 and its mandate that local authorities be responsible for the care of asylum-seekers, a few local governments began their own dispersal actions (through private contracts) and lobbied for greater burden sharing. Subsequently, the government implemented the Immigration and Asylum Act of 1999, which included a dispersal scheme to send asylum-seekers throughout the United Kingdom with the objective of controlling asylum-seeker inflows. The national government has maintained that dispersion has been necessary to more widely distribute service costs among municipalities,[51] yet some observers believe the policy has been "unduly harsh."[52] In addition, news reports have sometimes linked the dispersal policy with increased incidences of racism, harassment, and violence against refugees and asylum-seekers.[53] Studies have suggested that improved communication efforts between local authorities, national government, and refugee groups could potentially improve the tensions between asylum-seekers and local populations.[54]

Whether or not these mechanisms effectively deterred asylum remains unclear. From 1996 to 2002, new asylum applications in the United Kingdom increased by 248% to 103,080 applications in 2002. Yet, in subsequent years, the levels dropped by 73%, to a level of 27,905 in 2007.[55] Because of the cluster of asylum flow control measures being implemented in both the United Kingdom and European Union during this time period, multiple factors likely contributed to the downturn in applications. For advocacy groups, however, the introduction of programs partially aimed at controlling asylum flows raises numerous normative questions about asylum policy in the United Kingdom and elsewhere. Thus, despite the recent reduction in new asylum applications, tensions surrounding deterrence mechanisms and asylum-seekers remain a catalyst for political and social divisions.[56]

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[50] Concentration of asylum-seekers in sectors of major urban areas has occurred in a number of European cities. As such, both Sweden and the Netherlands also have programs for dispersing asylum-seekers into municipalities across the country. (Vaughan Robinson, "Defining the 'Problem'," in *Spreading the 'Burden'?: A Review of Policies to Disperse Asylum-seekers and Refugees*, ed. Vaughan Robinson, Roger Andersson, and Sako Musterd (Bristol, UK: The Policy Press, 2003), p. 8.)

[51] In 1998-99, a total of £475 million was being spent in the United Kingdom on supporting asylum-seekers. Yet, because of the concentration of the recipients, the support was only being funded by, or channeled through, a few localities. (Robinson, "Defining the 'Problem,'" p. 8.)

[52] Vaughan Robinson et al., "Dispersal Policies in the UK ," in *Spreading the 'Burden'?: A Review of Policies to Disperse Asylum-seekers and Refugees* (Bristol, UK: The Policy Press, 2003), p. 127.

[53] Nigel Morris, "Dispersal policy 'put asylum-seekers at risk'," *The Independent*, March 16, 2007, [http://www.independent.co.uk/news/uk/politics/dispersal-policy-put-asylumseekers-at-risk-440442.html].

[54] Allen Anie et al., An exploration of factors affecting the successful dispersal of asylum-seekers, *Home Office Online Report* (London: United Kingdom Home Office, 2005), p. 3.

[55] Piotr Juchno, "Asylum applications in the European Union," Statistics in Focus 110, *Population and Social Conditions* (August 30, 2007), p. 3.

[56] One victory for opponents of deterrence policies came in May 2008 with the government of Australia's decision to offer asylum-seekers permanent sanctuary rather than temporary visas. In 1999, the government had begun issuing asylum-seekers "temporary protection" visas, which were good for only three years, if they entered the country without authorization to apply for sanctuary. Refugees who had applied from abroad were given permanent visas only if their applications were accepted. ("Australia praised for new refugee policy," *The Washington Post*, May 14, 2008).

The Effects of New Asylum-Seeker Policies

The "beggar thy neighbor" policy approach within the European Union has elevated concerns among numerous observers, causing some advocates and academics to label the EU as "Fortress Europe."[57] While empirical data do not support the implication that the EU Member States (nor other OECD countries for that matter) are closing off asylum-seeker inflows entirely, statistics do indicate that there have been marked inflow level shifts downward in several traditionally larger receiving countries for asylum-seekers. Asylum-seekers represent the largest inflow population into OECD countries. **Table A-1** in **Appendix** shows that the inflows of asylum-seekers into OECD countries has declined in recent years (the table also includes information for EU countries). In total, the OECD took in 638,539 asylum-seekers in 2001, while in 2005 this number had been reduced to 319,050, a drop of 50%. The corresponding drop in the worldwide asylum-seeker population was 29%.[58] Although these trends are likely the results of inflow control policies implemented by the various countries, other factors such as regional stability cannot be ruled out as causal variables.

Convergence and Increases

Within the OECD, data shows that the larger states have begun converging in the number of asylum-seeker admissions. The convergence point sits at a lower inflow level than during the previous decade for most of the countries. In other countries, however, a pattern of increasing inflows has emerged. Overall, asylum-seeker inflows to the OECD still exceed historical lows from the past two decades.

Convergence of Asylum-Seeker Inflows

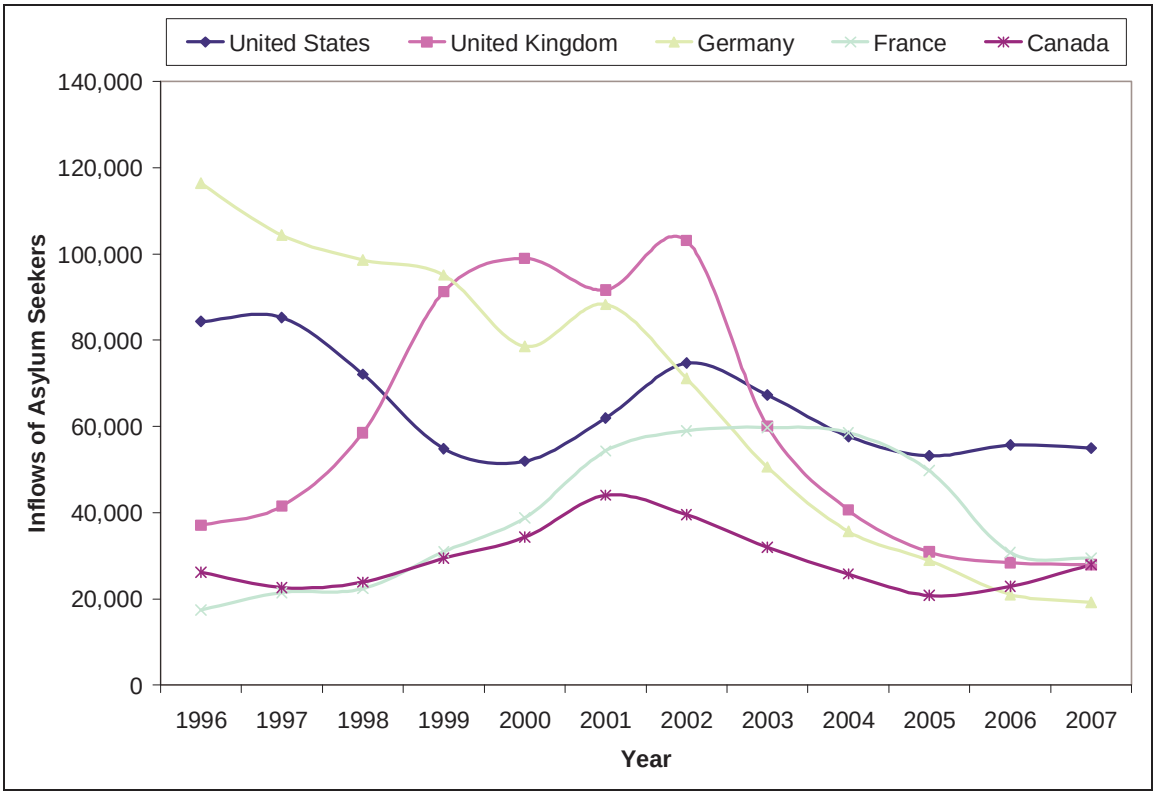
To illustrate the aforementioned convergence pattern, **Figure 4** below maps out the asylum-seekers from 1996 to 2007 of five recipient countries in the OECD with historically large inflow levels: the United States, France, the United Kingdom, Germany, and Canada. From the illustration, the convergence trend of these five countries becomes evident. While these countries still vary in their respective annual refugee admissions, the range of these admissions in 1996 was 2.8 times greater than in 2007. This convergence has been driven by both decreases in some countries and increases in others. For example, the United States' inflow rate dropped by 35% from 1995 to 2007. By 2001, Germany and the United Kingdom were each experiencing higher asylum-seeker inflows than any other OECD Member States. Although the five major recipient countries included in **Figure 4** witnessed fluctuations in their annual inflow levels over the entire interval, all the countries exhibited a downward trend beginning around 2002. Consequently, asylum-seeker inflows have been more evenly distributed among major OECD recipient states.

[57] For a discussion of the perceived move towards asylum restrictions in Europe, see Andrew Geddes, *Immigration and European Integration: Towards Fortress Europe?* (Manchester, UK: Manchester University Press, 2000).

[58] In order to capture the trends of asylum-seeker inflows, Table A-2 in Appendix compiles an index for inflows to OECD countries. Using 2000 as a baseline year (with an index value of 100), the table shows how inflows have changed in prior and subsequent years. Of the countries included in the Table 2, 10 experienced higher levels of asylum-seeker inflows in 2007 compared with 2000 levels, while the other 20 experienced lower levels.

Figure 4. Convergence of Asylum-Seeker Inflows in Select OECD Countries

Data for 1996-2007



Source: CRS presentation of data from the Office of the United Nations High Commissioner for Refugees, *Statistical Yearbook, 2007: Trends in Displacement, Protection and Solutions* (Geneva: UNHCR, 2008) and *International Migration Outlook: SOPEMI – 2007 Edition* (Paris: OECD, 2007).

The plotted lines in **Figure 4** stem from data presented in **Table A-1** of **Appendix**. These data indicate that since 1996, the United States has been one of the main recipients of asylum-seeker inflows among OECD countries. From 2002 to 2007, the U.S. share of OECD asylum-seeker inflows fluctuated between 13% and 19% annually. This proportion represents an increase from 1999, when the United States received 9% of the OECD asylum-seeker inflows. The proportion of asylum-seeker inflows in 2007 registered at 17% of the OECD cumulative total. Germany, France, Canada, and the United Kingdom each received approximately 6-9% of the asylum-seeker inflows in 2007. During this same time period, other OECD countries accounted for shares of asylum-seeker inflows that ranged from a low of 26% in 1996 to a high of 51% in 2007.

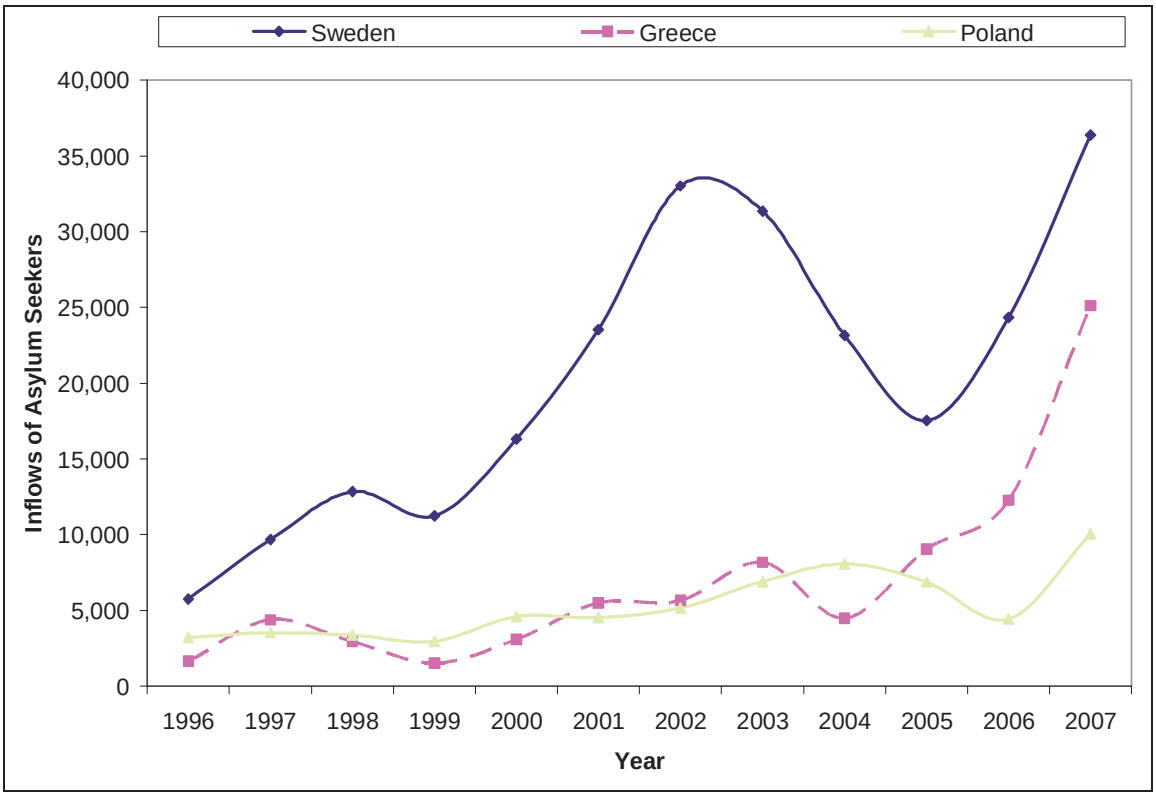
Escalating Asylum-Seeker Inflows

A development that may be partially attributed to the third-country policies in the European Union is the significant increase in asylum-seeker inflows in certain smaller Member States. These countries generally border non-EU states and serve as either land- or sea-based access points to the EU. Unlike certain OECD states that are geographically prohibitive for refugees to reach other than by expensive and restrictive air travel (such as Australia, New Zealand, or Japan), European states are easily accessible by land and sea, making certain countries especially subject to asylum-seeker inflows and third-country asylum application responsibilities. **Figure 5**

below depicts three of the states that have experienced increases in their asylum-seeker inflows: Greece, Poland, and Sweden.

Figure 5. Escalating Asylum-Seeker Inflows in Select OECD Countries

Data for 1996-2007



Source: CRS presentation of data from the Office of the United Nations High Commissioner for Refugees, *Statistical Yearbook, 2007: Trends in Displacement, Protection and Solutions* (Geneva: UNHCR, 2008) and *International Migration Outlook: SOPEMI – 2007 Edition* (Paris: OECD, 2007).

As the plots in **Figure 5** show, all three countries experienced upward trends in asylum-seeker inflows from 1996 to 2007. The largest of these increases in absolute terms was the inflow to Sweden. Its annual inflows numbered less than 6,000 in 1996, but by 2007 this number had climbed to over 36,000—a more than sixfold increase. The same observation holds true for Poland and Greece. The inflow rate in Poland increased by over threefold over the same time period, from a level of 3,211 in 1996 to an inflow of 10,047 in 2007. Greece had the highest relative increase of the three countries, increasing over 15-fold, from 1,643 asylum-seekers in 1996 to 25,113 in 2007. Several other European "portal countries" have also witnessed increases over the same span, although most did not exhibit similar sized shifts in their relative inflow rates.

Asylum Decisions

In countries with relatively high inflow levels of asylum-seekers, anti-immigrant groups have criticized their respective governments for being "too permissive" in their admissions policies—a factor that is in some cases cited as attracting more asylum-seekers. In response, governments have focused their efforts on reducing incentives for asylum-seekers with respect to public

benefits, as those discussed above. Yet, for some critics the question remains whether higher rates of positive asylum decisions could create higher asylum-seeker inflows (a causal relationship that could lend credence to the assumption of informed asylum-seekers conducting rationalized "asylum shopping"). If such a relationship did exist, one would reasonably expect that the countries with higher positive decision rates should demonstrate higher asylum-seeker inflow rates.

The average annual rate of positive decisions for asylum applications where a decision was taken (shown in **Figure 6**) indicates a markedly large range between OECD countries from 2004 to 2007.[59] On the one hand, Turkey had an annual positive decision rate of roughly 78%, the highest of all OECD countries. By contrast, Greece granted positive asylum decisions in 1% of cases where a decision was taken. This disparity in the decision rate occurred despite the inflows of thousands of asylum-seekers annually to each country. In the United States, the average positive decision rate for 2004-2007 was higher than the majority of OECD countries. The OECD average for this time period was 28%, 7% below that of the United States. Moreover, these figures do not account for the additional number of asylum-seekers that are granted asylum on appeal.

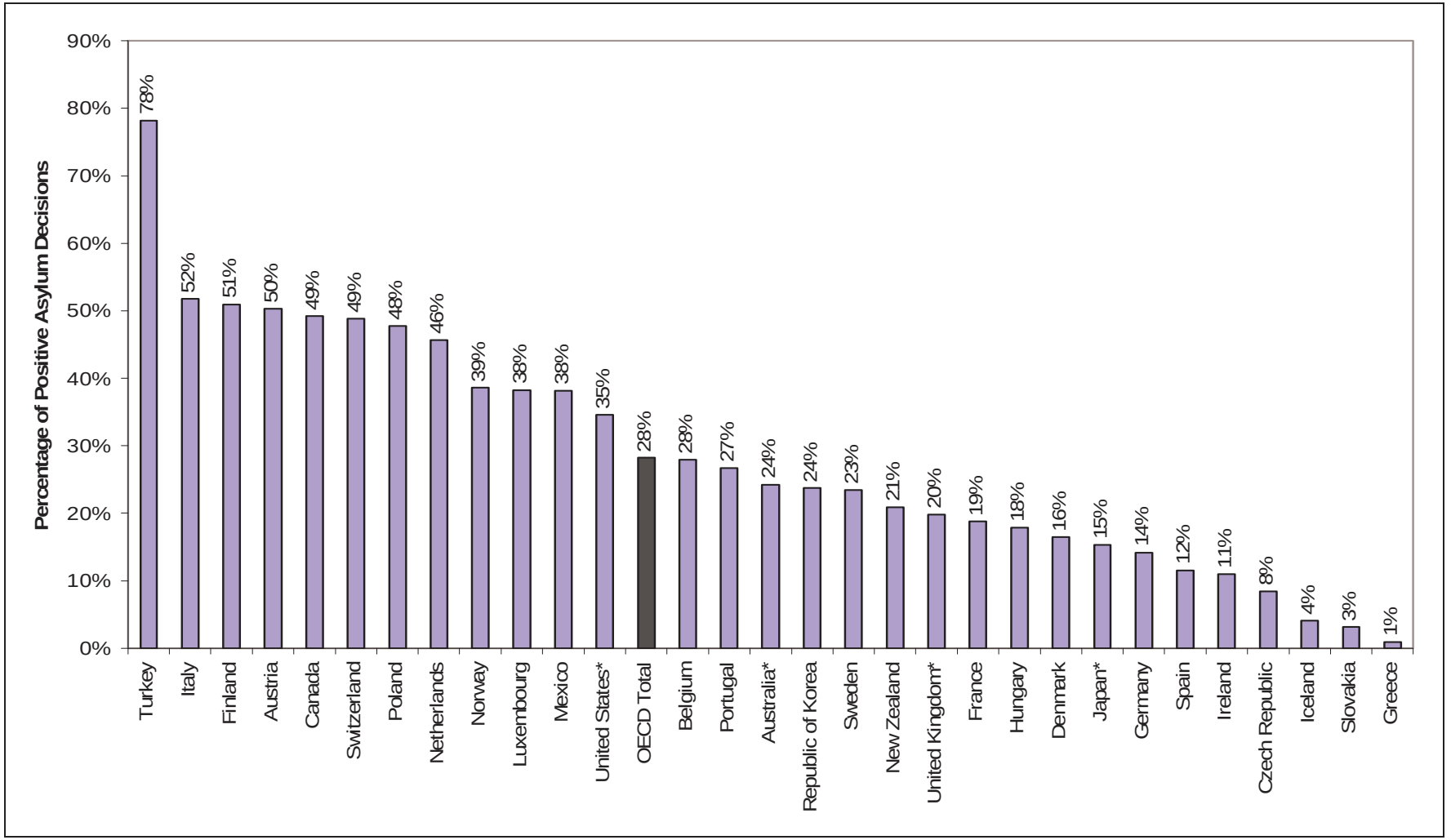
The main analytical conclusion that may be drawn from **Figure 6** is that the positive decision data demonstrate almost no relation to the inflow levels of asylum-seekers during the given time period. For example, in spite of different trends shown in **Figure 4** from **Figure 5**, Canada and Poland have similar average positive asylum decision rates. Greece has one of the highest rates of increase in asylum-seeker inflows in the OECD from 2004 to 2007, while simultaneously accounting for the lowest positive decision rate. Statistical analysis performed by CRS confirms these visual observations.[60] Therefore, while so-called "asylum shopping" might occur based on the public benefits a country offers, the evidence suggests that the recent rates of positive asylum decisions have been of little consequence for such behavior on asylum-seeker inflow levels in general. More likely, the driving factors behind asylum-seekers are the accessibility of a country, cultural and linguistic ties, the existence of a diaspora or family members, and similar considerations.

[59] In many countries, an initial rejection of an asylum application can be appealed or granted some form of administrative review. The statistical figures on positive decisions in this report do not include administrative review data or rates on appeals.

[60] A simple Pearson Correlation of average rate of positive decisions to average inflow level of asylum-seekers was .05 for 2004-2007, meaning there was virtually no statistical correlation between these two measures. In other words, a change in the positive decision rate showed effectively no relationship to any changes in inflows. In statistics, a correlation indicates the strength and direction of a linear relationship between two random variables. The Pearson Correlation represents one way to calculate this relationship. The correlation is 1 in the case of an increasing linear relationship, -1 in the case of a decreasing linear relationship, and some value in between in all other cases. These values indicate the degree of linear dependence between the variables. The closer the coefficient is to either -1 or 1, the stronger the correlation between the variables. In the cases where the variables are independent then the correlation is 0.

Figure 6. Average Annual Percentage of Positive Decisions for All Asylum-Seeker Cases Where a Decision is Taken, by OECD Country

Average is for 2004-2007



Source: CRS presentation of data from the Office of the United Nations High Commissioner for Refugees, *Statistical Yearbook, 2007: Trends in Displacement, Protection and Solutions* (Geneva: UNHCR, 2007), as well as previous annual editions.

Note: The population of cases includes all types of cases reported to UNHCR, such as first instance cases, administrative review, and judicial review. In countries with more than one level in the procedure (first instance, appeal, etc.), the figures for both procedures have been added up. As a result, appeal cases might have been counted more than once (once at first instance and once on appeal). These data allow analysts to monitor the number of positive decisions taken, but they are not indicative of the final outcome of the procedure for negative decisions. The decisions taken in these cases may include (1) recognition under the 1951 Convention, (2) a complementary form of protection, or (3) a rejection. The positive decision percentage is calculated by adding the 1951 Convention recognition decisions and the complementary protection decision, and subsequently dividing this sum by the total number of decisions taken. Cases that are pending, withdrawn or otherwise closed are not included in the calculations.

* Country data refers to number of cases or mix of persons and cases.

Sanctuary Capacity and Contributions of OECD Countries

The preceding data analysis has largely been based on inflow levels. While such analysis is both informative and valid in an overview of capacity for and contributions towards these populations, it does not fully address the relative costs that countries experience from such inflows. Employing additional economic and demographic indicators would provide a fuller view of refugee inflows in OECD Member States. Therefore, this section attempts to place these inflows into a comparative context that emphasizes the relative burden of refugee populations in terms of economic costs and population size.

One approach to contextualizing inflows in OECD countries is to analyze a country's existing refugee population relative to the size of the national income and productivity. The map shown in **Figure 7** shows these data and uses gross domestic product (GDP)[61] adjusted for purchasing power parity (PPP)[62] to account for a given country's potential, relative financial burden. Specifically, **Figure 7** maps out the average number of refugees per $1 GDP (PPP) per capita from 2002 to 2006, thereby adjusting national income to both exchange rates and the size of the population. This measure makes no assumption about the long-term net cost/benefit of refugee because such factors are entirely dependent on how economically integrated into the host country this population becomes.

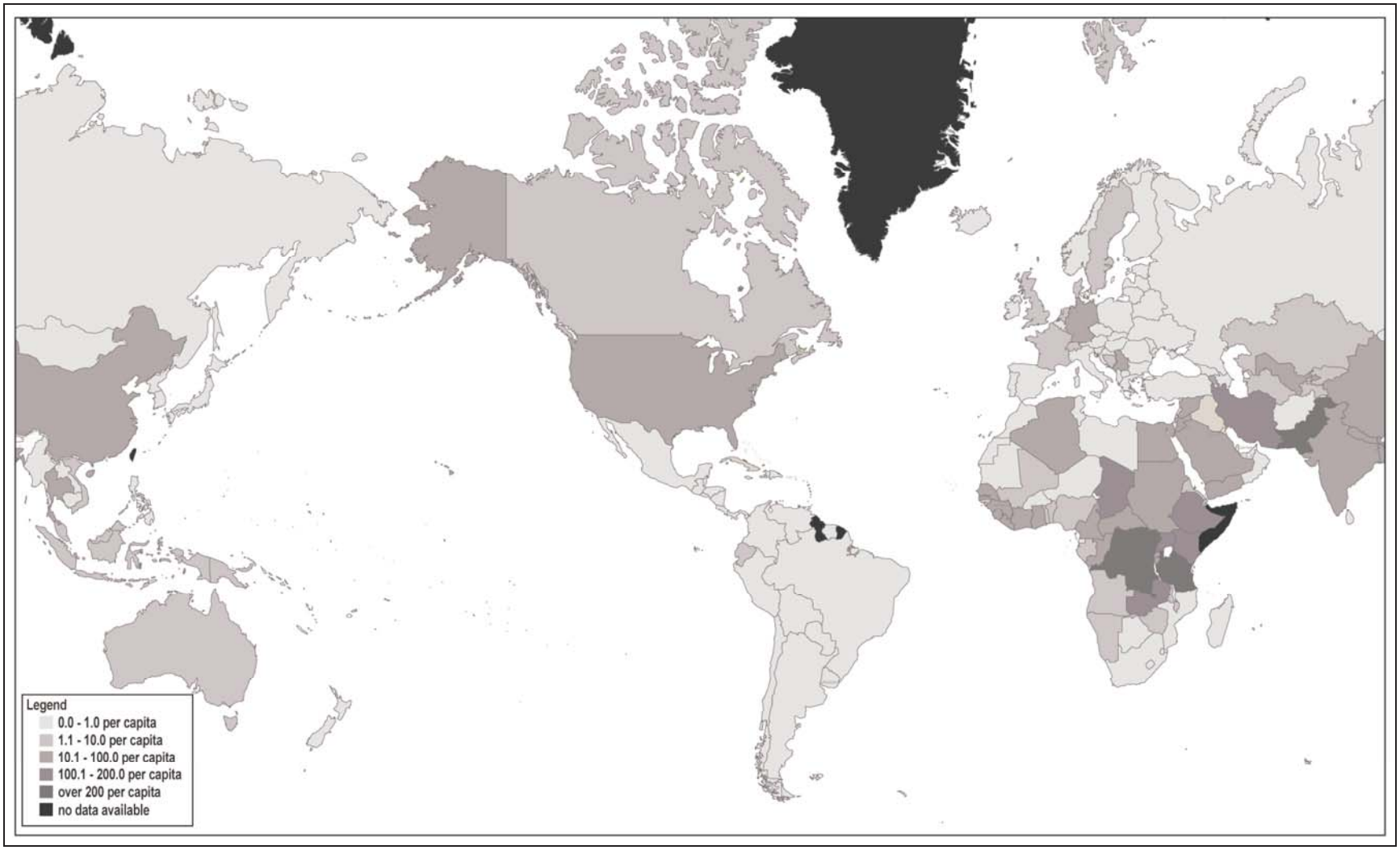
The map in **Figure 7** demonstrates that when placed in the context of national income, the United States has taken on a larger refugee hosting burden than almost every other OECD country. Only Germany, with 26.3 refugees per $1 GDP (PPP) per capita, had a higher relative burden than the United States (10.9). On a worldwide basis, both the United States and Germany ranked in the top 35 for this same measure. Moreover, the map shows that the majority of OECD countries had an average population of one refugee per $1 GDP (PPP) per capita or less. Consequently, the United States had an average burden at least 11 times greater than most OECD countries for the 2002-2006 time period relative to national income. The lowest-ranked country in the OECD for this measure was Iceland, which had over 100 times fewer refugees than the United States relative to national income.

[61] The gross domestic product (GDP) is one of the measures of national income and output for a given country's economy. GDP is defined as the total market value of all final goods and services produced within the country in a given period of time (usually a calendar year).

[62] Purchasing power parity (PPP) is an economic technique used when attempting to determine the relative values of two currencies. It is useful because often the amount of goods a currency can purchase within two nations varies drastically, based on availability of goods, demand for the goods, and a number of other, difficult to determine factors. Purchasing power parity solves this problem by taking some international measure and determining the cost for that measure in each of the two currencies, then comparing that amount. In terms of the cost of country-based activities, using PPP allows for a more accurate comparison by adjusting for some factors that affect cost variations. Thus, PPP gives a more accurate measure of a country's "ability to pay."

Figure 7. Cumulative Refugee Population to GDP (PPP) Per Capita

Average Population for 2002-2006



Source: CRS presentation of data from the Office of the United Nations High Commissioner for Refugees, *Statistical Yearbook, 2006: Trends in Displacement, Protection and Solutions* (Geneva: UNHCR, 2007).

Another way to contextualize burden sharing worldwide is to consider a given country's existing population. Such an approach removes economic conditions and considers refugees in terms of the number of residents in a country. This measure serves as one type of indicator for the demographic impact of refugee inflows. Depicted in **Figure 8** is a world map showing the 2002-2006 average cumulative number of refugees to every 1,000 inhabitants in each country. Unlike the measure for national income, the United States—with 1.7 refugees per 1,000 inhabitants—figured more toward the median of OECD countries for this demographic measure. Overall, the ratio for the United States was lower than that of 14 other OECD countries and ranked 56th worldwide. The highest ratios among OECD countries were for Sweden, Denmark, Germany, and Norway. Sweden's ratio ranked 11th worldwide. Thus, the top 10 hosting countries for refugees per 1,000 inhabitants worldwide were all outside the OECD.[63] A plurality of OECD countries averaged 1.0 or fewer refugees per 1,000 inhabitants from 2002 to 2006.[64]

[63] The top ten countries for this measure were: Armenia (70.9), Djibouti (35.6), Serbia and Montenegro (21.6), Congo (21.1), Chad (20.2), Jordan (17.1), Zambia (16.1), Tanzania (15.9), Iran (15.4), and Guinea (12.4).

[64] A third way to measure the hosting contribution of countries is to measure the refugee population relative to the geographic area. This ratio can be useful to highlight the potential population density burden of additional inflows on smaller countries. However, as an indicator, this ratio becomes problematic because of the built-assumptions that are not adjusted for. For example, a country such as Canada may have large areas of land and a low aggregate population density, but much of the area is either undeveloped or uninhabitable. Similarly, such large countries may have areas which are protected from development. Thus, without any adjustments, conclusions drawn from this measure could bias results to be lower for countries with large areas of land but fewer effectively inhabitable areas.

Figure 8. Cumulative Refugee Population to 1,000 Inhabitants

Average Population for 2002-2006

Source: CRS presentation of data from the Office of the United Nations High Commissioner for Refugees, *Statistical Yearbook, 2006: Trends in Displacement, Protection and Solutions* (Geneva: UNHCR, 2007).

Overall, refugees constitute the costliest recipients of public benefits on a per person basis in the United States. Yet, as advocates will note, the costs either presented or implied in the figures above do not convey the benefits of hosting refugee (or asylum-seeker) populations. Many benefits cannot be quantified in monetary terms, but nonetheless have affected host countries enormously. In the United States, for example, refugee populations frequently contribute to multicultural diversity and global awareness in the population. Moreover, some refugees that chose to remain have become successful entrepreneurs and strong contributors to economic development. Historically, recipient countries have benefitted from the human capital that refugee populations have represented by using that human capital for intellectual and technological advancement. In this regard, notable refugees to the United States include Nobel Prize winner and scientist Albert Einstein and former Secretary of State Madeleine Albright. While costs of refugee resettlement and asylum-seeker programs are necessary considerations for any government, these costs must also be weighed against the many contributions to the political, economic, cultural, and religious life that these populations make in OECD countries.

Conclusion

The findings of this report indicate that currently the United States resettles more refugees and has a higher inflow rate of asylum-seekers than any other OECD country, despite having numerous deterrence mechanisms in place. Additionally, the rate of positive asylum decisions (when a decision is taken) is above the OECD average. But the data also indicate that there are millions of refugees and other populations of concern worldwide, and in recent years these populations have grown. And with the worldwide economic downturn occurring, these populations are likely to increase. Yet, the United States is also being severely impacted by the economic downturn, and the demand for government assistance is growing. Thus, balancing the availability of resources against the demand for refugee assistance will likely continue.

Appendix. Asylum-Seeker Flows

Table A-1. Inflows of Asylum-Seekers into OECD and EU Countries

Data for 1996-2007

Country	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Australia	9,758	9,312	8,156	9,451	13,065	12,366	5,863	4,295	3,201	3,204	3,515	3,980
Austria	6,991	6,719	13,805	20,096	18,284	30,135	39,354	32,359	24,634	22,461	13,349	11,921
Belgium	12,433	11,788	21,965	35,780	42,691	24,549	18,805	16,940	15,357	15,957	11,587	11,115
Bulgaria	302	429	833	1,331	1,755	2,428	2,888	1,549	1,127	822	639	975
Canada	26,120	22,584	23,838	29,393	34,252	44,038	39,498	31,937	25,750	20,786	22,868	27,865
Czech Rep.	2,211	2,109	4,085	7,220	8,788	18,094	8,484	11,396	5,459	4,160	3,016	1,878
Denmark	5,893	5,092	9,370	12,331	12,200	12,512	6,068	4,593	3,235	2,260	1,918	1,852
Estonia	0	0	23	21	3	12	9	14	14	11	7	14
Finland	711	973	1,272	3,106	3,170	1,651	3,443	3,221	3,861	3,574	2,331	1,434
France	17,405	21,416	22,375	30,907	38,747	54,291	58,971	59,768	58,545	49,733	30,748	29,387
Germany	116,367	104,353	98,644	95,113	78,564	88,287	71,127	50,563	35,607	28,914	21,029	19,164
Greece	1,643	4,376	2,953	1,528	3,083	5,499	5,664	8,178	4,469	9,050	12,267	25,113
Hungary	152	209	7,097	11,499	7,801	9,554	6,412	2,401	1,600	1,609	2,117	3,425
Iceland	4	6	19	17	24	52	117	80	76	88	39	42
Ireland	1,179	3,883	4,626	7,724	10,938	10,325	11,634	7,900	4,769	4,324	4,314	3,988
Italy	675	1,858	11,122	33,364	15,564	9,620	16,015	13,455	9,722	9,548	10,348	14,053
Japan	147	242	133	223	216	353	250	336	426	384	954	816
Korea	1	44	17	4	43	39	37	86	145	412	278	717
Latvia	0	0	58	19	4	14	30	5	7	20	8	34
Lithuania	0	320	163	133	199	256	294	183	167	118	139	125
Luxembourg	263	431	1,709	2,921	621	687	1,043	1,549	1,577	802	523	426
Mexico	158	145	125	252	277	415	257	275	404	687	480	374

Country	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Netherlands	22,170	34,443	45,217	42,733	43,895	32,579	18,667	13,402	9,782	12,347	14,465	7,102
New Zealand	1,317	1,495	1,972	1,528	1,551	1,601	997	841	580	348	276	245
Norway	1,778	2,271	8,373	10,160	10,842	14,782	17,480	15,959	7,945	5,402	5,320	6,528
Poland	3,211	3,533	3,373	2,955	4,589	4,529	5,170	6,909	8,079	6,860	4,430	10,047
Portugal	270	297	365	307	224	234	245	88	113	114	128	224
Romania	588	1,425	1,236	1,670	1,366	2,431	1,151	1,077	662	594	460	659
Slovak Rep.	415	645	506	1,320	1,556	8,151	9,700	10,358	11,391	3,549	2,871	2,643
Spain	4,730	4,975	6,654	8,405	7,926	9,489	6,309	5,918	5,535	5,254	5,297	7,662
Sweden	5,753	9,662	12,844	11,231	16,303	23,515	33,016	31,348	23,161	17,530	24,317	36,370
Switzerland	18,001	23,982	41,302	46,068	17,611	20,633	26,125	20,806	14,248	10,061	10,537	10,387
Turkey	4,183	5,053	6,838	6,606	5,685	5,041	3,795	3,952	3,908	3,921	4,553	7,646
United Kingdom	37,000	41,500	58,500	91,200	98,900	91,600	103,080	60,050	40,620	30,840	28,320	27,905
OECD (non-U.S.)	**300,939**	**323,396**	**417,255**	**523,442**	**497,410**	**534,621**	**517,626**	**418,963**	**324,199**	**274,179**	**242,195**	**274,309**
EU-25, Norway and Switzerland	**259,251**	**284,835**	**376,401**	**476,141**	**442,503**	**470,998**	**467,145**	**377,363**	**289,897**	**244,498**	**209,386**	**232,797**
United States[a]	**84,293**	**85,239**	**72,080**	**54,820**	**51,898**	**61,880**	**74,654**	**67,268**	**57,672**	**53,160**	**55,654**	**54,957**
INS/USCIS				42,416	34,602	43,836	55,138	47,221	39,120	36,095	37,747	39,629
EOIR				12,404	17,296	18,044	19,516	20,047	18,552	17,065	17,907	15,328

Source: CRS presentation of data from the Office of the United Nations High Commissioner for Refugees, *Statistical Yearbook, 2007: Trends in Displacement, Protection and Solutions* (Geneva: UNHCR, 2008).

a. The data listed is on the number of cases received and are for fiscal years rather than calendar years. The data come from U.S. Department of Justice, Executive Office of Immigration Review, Statistical Yearbook, for FY2004 and FY2007. The INS/USCIS data are for "affirmative" applications received by the U.S. Citizenship and Immigration Services and formerly by the Immigration and Naturalization Services, and the EOIR data are for defensive applications received by the Executive Office of Immigration Review. Data on affirmative and defensive applications are only published for applications received for FY1999-FY2007. The data do not included the handful of cases that were listed each fiscal year as "unknown" in terms of being affirmative or defensive.

Table A-2. Index of Refugee and Asylum-Seeker Inflows into OECD and EU Countries

Data for 1996-2007

Index: Year 2000 = 100

Country	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Australia	75	71	62	72	100	95	45	33	25	25	27	30
Austria	38	37	76	110	100	165	215	177	135	123	73	65
Belgium	29	28	51	84	100	58	44	40	36	37	27	26
Bulgaria	17	24	47	76	100	138	165	88	64	47	36	56
Canada	76	66	70	86	100	129	115	93	75	61	67	81
Czech Rep.	25	24	46	82	100	206	97	130	62	47	34	21
Denmark	48	42	77	101	100	103	50	38	27	19	16	15
Estonia	0	0	767	700	100	400	300	467	467	367	233	467
Finland	22	31	40	98	100	52	109	102	122	113	74	45
France	45	55	58	80	100	140	152	154	151	128	79	76
Germany	148	133	126	121	100	112	91	64	45	37	27	24
Greece	53	142	96	50	100	178	184	265	145	294	398	815
Hungary	2	3	91	147	100	122	82	31	21	21	27	44
Iceland	17	25	79	71	100	217	488	333	317	367	163	175
Ireland	11	36	42	71	100	94	106	72	44	40	39	36
Italy	4	12	71	214	100	62	103	86	62	61	66	90
Japan	68	112	62	103	100	163	116	156	197	178	442	378
Korea	2	102	40	9	100	91	86	200	337	958	647	1667
Latvia	0	0	1450	475	100	350	750	125	175	500	200	850
Lithuania	0	161	82	67	100	129	148	92	84	59	70	63
Luxembourg	42	69	275	470	100	111	168	249	254	129	84	69
Mexico	57	52	45	91	100	150	93	99	146	248	173	135
Netherlands	51	78	103	97	100	74	43	31	22	28	33	16
New Zealand	85	96	127	99	100	103	64	54	37	22	18	16

Index: Year 2000 = 100												
Country	**1996**	**1997**	**1998**	**1999**	**2000**	**2001**	**2002**	**2003**	**2004**	**2005**	**2006**	**2007**
Norway	16	21	77	94	100	136	161	147	73	50	49	60
Poland	70	77	74	64	100	99	113	151	176	149	97	219
Portugal	121	133	163	137	100	104	109	39	50	51	57	100
Romania	43	104	90	122	100	178	84	79	48	43	34	48
Slovak Rep.	27	41	33	85	100	524	623	666	732	228	185	170
Spain	60	63	84	106	100	120	80	75	70	66	67	97
Sweden	35	59	79	69	100	144	203	192	142	108	149	223
Switzerland	102	136	235	262	100	117	148	118	81	57	60	59
Turkey	74	89	120	116	100	89	67	70	69	69	80	134
United Kingdom	37	42	59	92	100	93	104	61	41	31	29	28
OECD (non-U.S.)	**61**	**65**	**84**	**105**	**100**	**107**	**104**	**84**	**65**	**55**	**49**	**55**
EU-25, Norway and Switzerland	**59**	**64**	**85**	**108**	**100**	**106**	**106**	**85**	**66**	**55**	**47**	**53**
United States[a]	**162**	**164**	**139**	**106**	**100**	**119**	**144**	**130**	**111**	**102**	**107**	**106**
INS/USCIS	0	0	0	123	100	127	159	136	113	104	109	115
EOIR	0	0	0	72	100	104	113	116	107	99	104	89

Source: CRS presentation of analysis based upon data from the Office of the United Nations High Commissioner for Refugees, Statistical Yearbook, 2007: Trends in Displacement, Protection and Solutions (Geneva: UNHCR, 2008).

a. The data used for analysis is on the number of cases received and are for fiscal years rather than calendar years. The data come from U.S. Department of Justice, Executive Office of Immigration Review, Statistical Yearbook, for FY2004 and FY2007. The INS/USCIS data are for "affirmative" applications received by the U.S. Citizenship and Immigration Services and formerly by the Immigration and Naturalization Services, and the EOIR data are for defensive applications received by the Executive Office of Immigration Review. Data on affirmative and defensive applications are only published for applications received for FY1999-FY2007. The data do not included the handful of cases that were listed each fiscal year as "unknown" in terms of being affirmative or defensive.

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