

Peter W. Billings,
*A Comparative An Analysis of Administrative and Adjudicative Systems for Determining
Asylum Claims*

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Abstract by Stefanie Birbrower

This article examines several different systems employed to process asylum claims. In discussing the procedural and substantive asylum rules in Australia, Canada, the United Kingdom, and the United States, the author acknowledges the fact that those who are denied asylum are likely to face persecution, but focuses his argument on the system rather than the consequences. The author suggests that the "dignitary" approach to asylum judgment, a theory which separates the individual's substantive rights from his process rights by focusing on the values of participation, rationality, timeliness, and ethicality, may be a better way to assess the problems in asylum law than the current stress on individual consequences.

The article then discusses how the states balance the need for speedy determinations with the need for procedural justice and, additionally, what measures the states have taken to alleviate delays and backlogs of cases. The author addresses the pre-screening methods, and the different ways they are employed in the United States, Canada, and Australia. Additionally, the author explains the problems with the fact that the United Kingdom lacks formal pre-screening procedures for asylum claimants. Finally, the article explains how the systems compare in their initial decisionmaking on the substantive asylum claim, the different appeals procedures, and the author's recommendations for how the asylum system can be modified to make swift determinations and "treat[] all applicants with dignity."