Numerous studies have shown dramatic variations in the rates that immigration judges grant asylum. What these studies have failed to adequately explain as of yet is why? In attempting to understand the behavior of immigration judges in asylum cases, scholars have generally taken one of two approaches, either examining immigration judge behavior through top-down bureaucratic models or with models developed through the study of the judiciary. From these studies we have learned that similarly situated asylum applicants have different chances of success based merely on the ideological leanings of the judge who decides their case. We also have learned that judges respond to top down extraneous pressures by granting more or fewer asylum petitions. What we don't know is how the individual
preferences of immigration judges are affected by extraneous factors. I believe that the primary reason previous studies have been deficient is their failure to adequately consider how immigration judges’ decisions are influenced by their status as administrative law judges who are tasked with making hundreds of verdicts a year. As administrative law judges, immigration judges sit within a web of oversight that is unlike any other judiciary. They have a caseload that is more akin to a street-level bureaucrat than most members of the judiciary. However, as members of the judiciary they are different from the type of agents who are the subject of most top-down studies of bureaucracies. I hypothesize that in order to fully understand the behavior of immigration judges in asylum cases, any model must contain a combination of attitudinal, institutional, legal and exogenous variables which influence immigration judges in their decisions to grant or deny asylum.

Recognizing that immigration judges sit within a rather unique context, a multi-institutional approach examining immigration judges as both administrative law judges as well as street level bureaucrats working within a legal context provides the best explanation for why these judges behave so differently. The results confirm a number of previous findings. Immigration judge ideology does influence the rate that they grant asylum. Political, economic and social factors also influence whether immigration judges grant asylum. The results also point to a number of new conclusions that can be drawn about the behavior of immigration judges in particular as well as administrative law judges in general. Like street level bureaucrats, as caseload increases, the influence of individual ideology in the decision process also increases. Moreover, the results reveal that judges with different ideological leanings respond to the same variables differently. Factors that might increase the likelihood that a liberal judge will grant asylum, actually decrease the likelihood that a conservative judge would grant asylum. These results have important policy as well as legal ramifications. Furthermore, they call into question generally held notions of both judicial and bureaucratic behavior and, as such, provide an important contribution to the discipline.