
Book Reviews

Jinee Lokaneeta, Editor

Let Me Be a Refugee: Administrative Justice and the Politics of Asylum in the United States, Canada, and Australia. By Rebecca Hamlin. New York: Oxford University Press, 2014. 229 pp. \$105 cloth, \$31.95 paperback.

Reviewed by Stephanie J. Nawyn, Department of Sociology, Michigan State University

The rights of refugees and asylum seekers to protection against persecution have been well-established in international law, with 142 countries having signed the 1951 Geneva Convention and 141 signatories to the 1969 Protocol. Yet there is little consistency across refugee status determination (RSD) outcomes, even among relatively similar countries. While scholars and policy makers frequently attribute variation in RSD outcomes to domestic politics or public opinion, Rebecca Hamlin offers the more complex argument that much of the variation can be attributed to differences in RSD processes. Specifically, Hamlin argues that RSD outcomes are shaped by the configuration of institutions involved in the process of granting refugee status, their relative power in affecting RSD outcomes, and the degree of insulation and independence that the institutions have from domestic politics. Hamlin makes this argument by comparing the RSD regimes in the United States, Canada, and Australia. While there is variation in the politics of immigrant inclusion across the three countries, Hamlin demonstrates how a close examination of the institutions tasked with determining refugee status for asylum seekers provides greater insight into the relative generosity of each country toward granting asylum than can be explained by relying solely on domestic politics or public opinion.

Hamlin uses an impressive array of data to make her argument. Over the course of a year, she conducted courtroom observations, analyzed legal decisions on asylum, and conducted 103 in-person interviews with policy elites, refugee advocates, and the representatives of asylum seekers in RSD hearings. She also analyzed news articles on asylum and immigration legislation from two major newspapers in each country, using these data to understand the evolution of the RSD regimes. Finally, she gathered statistics from United National High Commission for Refugees (UNHCR), federal courts, and RSD

administrative bodies in each country to get a picture of how many asylum applications were approved, appealed, and denied in each country, and from which countries asylum applications were more likely to be approved. Using these data, Hamlin paints a detailed portrait of the asylum granting process in each country, demonstrating how RSD systems are more than the inevitable consequences of domestic politics toward refugees and immigrants.

After reviewing the literature and describing her methodology, Hamlin begins her empirical analysis in Chapter Three by first addressing the global shift toward greater restrictionism. Hamlin chronicles the weakening of refugee protection in each country, showing that while a common phenomenon (lending support to the exclusionary convergence thesis), it occurred differently in the three countries. Chapters Four through Six provide a detailed review of asylum law in each country, how it was set up vis-à-vis the judicial, legislative, and executive governmental branches and how it evolved over time. These chapters provide the foundation for her argument.

Hamlin explains how the RSD system in the United States is fragmented, relying upon multiple agencies and federal courts that often jockey over juridical territory, and is grounded in an adversarial legalism model. Conversely, Canada has what she calls a professional judgment model of RSD, relying upon inquisitorial hearings rather than adversarial ones, with the preponderance of authority over RSD contained within a bureaucratic body (the Immigration Review Board [IRB]). The IRB has greater insularity from politics, whereas the American system's fragmentation allows for more entry points of exclusionary politics. Australia is a hybrid of these two (with Hamlin labeling it "bureaucratic adversarialism"), with a strong parliament setting the parameters of RSD with only minor involvement from a weak court system. Thus, laws passed in parliament that have constructed the two-tiered system of RSD (with greater restrictionism applied to off-shore applicants) have been only minimally influenced by the courts.

Hamlin illustrates how these regimes shape RSD outcomes by examining the processing of gender-based asylum claims (in Chapter Seven) and of claims by Chinese asylum seekers (in Chapter Eight). The inclusion of gender-based asylum is a major contribution to the field of refugee studies and refugee policy broadly, given the international debates on how to manage such claims. But it also illustrates how the more insulated administrative body in Canada has been able to make that country the vanguard in processing gender-based asylum claims, while the less-independent systems in Australia and the United States have been more conservative in defining the "particular social group" under which gender-based asylum claims generally fall.

The comparison across the three countries in their treatment of Chinese asylum seekers is also tremendously illustrative of Hamlin's larger argument. Again, she shows how Canada's powerful

bureaucratic board combined with their pioneering stance on gender-based claims means that the country has been broadly receptive to claims of forced sterilization that had been common from Chinese asylum seekers. Meanwhile, the United States' fragmented system produces unpredictable results that vary widely by presidential administrations and jurisdictions, and in Australia "the administrative tribunal is a powerless fulcrum in a highly charged battle between Parliament and the courts" (p. 158).

In Chapter Nine, Hamlin covers complementary protection or the extension of asylum protection (or at least relief from deportation) to individuals seeking protection from human rights violations that do not fall squarely within the Convention definition of a refugee. Again, this has become an increasingly important aspect of international protection, and one that sorely needs the level of examination that Hamlin gives it. She closes with a summation of how her analysis improves upon the explanations of RSD regimes offered in the international convergence, exclusionary convergence, and domestic divergence theses she introduces in Chapter One.

Overall, *Let Me Be a Refugee* addresses extant weaknesses in the fields of public law and international relations (perhaps most notably the tendency of international relations theory to conceptualize the state as a homogenous unit or "unitary black box," p.13). Hamlin does not provide as detailed an explanation as to the mechanisms of how public opinion and domestic policies thread into the institutional structures of the RSD regimes and at times may downplay other influences. But given how well-researched this book is, these omissions are minor. This book not only is a must-read for refugee scholars from a variety of disciplines but also speaks to those interested in understanding the relationship of law at multiple levels to state policy and state involvement in human rights protections.

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Slaves of the State: Black Incarceration from the Chain Gang to the Penitentiary. By Dennis Childs. Minneapolis, MN: University of Minnesota Press, 2015. 259 pp. \$22.50 paperback.

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Malcolm X and George Jackson articulated the unbroken line from African kidnap to the middle passage, from chattel slavery to Jim Crow and race-based incarceration. Social scientists working on