

Gender-Based Ingroup Bias in the Application of Belgian Asylum Law

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ABSTRACT: Impartiality is a central goal of the judiciary. However, a body of literature documented that judges often exhibit bias in decision-making. In the context of asylum adjudication, evidence of disparities in decision-making is also apparent. While the existing “refugee roulette” literature mainly focuses on the relationship between the judge’s or the refugee’s gender and the asylum decision, the impact of same-gender judge-refugee pairings on asylum appeal outcomes only received limited attention. This paper studies the existence of gender-based ingroup bias in Belgian asylum appeals by examining a novel dataset of 23,248 verdicts of the Belgian Council for Alien Law Litigation. Using a difference-in-difference approach, we provide evidence of a positive gender-based ingroup bias. In addition, we also examine whether ingroup bias is more pronounced in verdicts in which asylum authorities more strongly contest asylum narrative credibility, which we quantify by estimating a structural topic model, a state-of-the-art machine learning method. This paper is one of the first to examine gender-based ingroup bias in asylum appeals. This is a high-stakes context because of the direct and far-reaching consequences of the decision for the asylum seeker. The findings of positive gender-based ingroup bias are of direct interest to policymakers in creating awareness about the consequences of refugee-judge gender pairings within asylum courts.

KEYWORDS: Judicial bias, Gender, Ingroup bias, Asylum appeals