Immigration, Justice Remittances, and US Courts*

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Abstract

Many immigrants to the US are victims of crimes that occurred in their home countries. US courts usually will not rule on legal violations that occur outside of US territory. However, starting in 1980, US federal courts sometimes allow foreign nationals to use the Alien Tort Statute to seek civil remedies for international law violations on foreign territory. We argue that these civil remedies are justice remittances from the US to the foreign countries where the violations occurred. We additionally argue that immigrants are a key driving force in generating the demand for these justice remittances. We identify the filing districts for legal complaints that yield Alien Tort Statute judicial opinions. We then use individual-level immigration data from the US Census that we aggregate to match federal judicial districts. We find compelling evidence that immigrants are agents of justice who demand justice remittances from US courts.

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1 Introduction

In a recent article, we argued that "migrants—who move across [international] borders as economic migrants or refugees—serve as agents for transnational justice" (Johns, Langer and Peters, 2022, 1184). We argued that when immigrants arrive in new countries, they file complaints with police and courts about crimes that occurred in their home countries. These complaints often yield criminal trials, even though the crimes occurred outside the territory of the prosecuting country. We argued that such universal jurisdiction trials serve as "justice remittances" (Johns, Langer and Peters, 2022, 1186). We supported our argument using cross-national time-series analysis of the impact of migration on universal jurisdiction cases.

We extend this argument about justice remittances to civil lawsuits. In the US, the Alien Tort Statute (ATS) allows foreign nationals to use US federal courts to seek redress for many international law violations. The ATS was largely dormant until 1980, when a human rights lawyer successfully argued that the ATS could be used by an immigrant family to seek financial compensation for torture and killing in Paraguay.[1] Similar cases spread throughout US federal courts (and some are still ongoing) despite substantial restrictions on ATS reach that the US Supreme Court imposed through ATS interpretation.[2]

To support our argument, we identified the filing districts for all known legal complaints that yielded an ATS judicial opinion. We then created multiple measures of how ATS cases entered US federal courts. We next used US Census data to calculate the immigrant stock from every foreign country that resided in each federal judicial district from 1980 to 2020. Our control variables include atrocities in the sending country, various costs of seeking civil remedies, and judicial district attributes. Our analysis provides strong evidence that immigrants seek justice remittances: higher immigrant stocks from a sending country in a judicial district are associated with a higher likelihood of an ATS opinion that originated in that judicial district.

[1] *Filártiga v. Peña-Irala*, 630 F.2d 876 (1980).

[2] On interpretation, see: *Kiobel v. Royal Dutch Petroleum Co.*, 569 U.S. 108 (2013); *Jesner v. Arab Bank* 138 S.Ct. 1386 (2018); and *Nestlé v. Doe*, 141 S.Ct. 1931 (2021). On continued use, see: *Doe I v. Cisco Systems*, 9th Cir., No. 15-16909, July 7, 2023.

2 Civil Remedies as Justice Remittances from the US

2.1 Alien Tort Statute

Like most domestic courts, US courts are usually reluctant to rule on cases that involve events completely outside US borders. The Alien Tort Statute is a legal text from 1789 that says:

> The district courts shall have original jurisdiction of any civil action by an alien for a tort only, committed in violation of the law of nations or a treaty of the United States.[3]

In simple and modern language, the ATS allows a victim to file a civil complaint in US federal courts if the victim is a foreign national who was harmed by a tort committed in violation of international law.[4] The ATS does not explicitly require that the violation occurred on US territory and it does not explicitly require that the perpetrator be a US citizen.

The ATS was largely overlooked by practicing lawyers and rarely invoked in court for most of its history (Ewell, Hathaway and Nohle, 2022). When a human rights lawyer successfully used the ATS in 1980 to seek redress for a kidnapping and killing in Paraguay, the ATS quickly became a major tool for challenging human rights violations committed by foreign governments, military and political leaders, and multinational corporations.

The ATS is applied and interpreted by US federal judges in the context of US doctrines. One relevant set of doctrines pertains to causes of action—i.e. the factual situations that entitle someone to sue under the Alien Tort Statute. The US Supreme Court held that the ATS does not create causes of actions since it is a jurisdictional statute.[5] But the Court added that the statute was passed expecting that courts would accept causes of actions already established by the law of nations that was part of common law. In the eighteenth century, these violations included safe conduct, infringement on ambassador rights, and piracy.[6] Today courts may thus accept causes of action established by the "present-day law of nations" as long as they "rest on a norm of international character accepted by the civilized world and defined with specificity comparable to the features of the 18th-century paradigms."[7] This is how factual situations that constitute international crimes (like genocide and torture) can constitute a cause of action under the ATS.

A second relevant set of doctrines relate to immunity. Under international law, diplomats,

[3] 28 U.S. Code §1350.

[4] For a more detailed analysis of the ATS, see Stephen P. Mulligan, *The Alien Tort Statute: A Primer*, Congressional Research Service, January 11, 2022.

[5] *Sosa v. Alvarez-Machain*, 542 U.S. 692 (2004), 712-14, 724, 729.

[6] *Id.* at 714-38.

[7] *Id.* at 725.

consular officers, and other government officials may be exempted from the jurisdiction of foreign courts. Countries have accordingly protected these individuals from litigation in their domestic courts in a variety of situations (Dodge and Keitner, 2021; Johns, 2022, 158–161). Many ATS lawsuits that involve defendants who are government actors therefore involve complex arguments about immunity.

Finally, US courts generally adhere to a "presumption against extraterritoriality" when interpreting domestic laws. In contemporary lawsuits, this doctrine implies that unless a law explicitly says that it applies outside US territory or Congress' intent in that regard is clear, judges should assume it does not (Dodge, 2020). The ATS does not say anything about where the violation occurs. Yet in 1980, federal courts began using the ATS to rule on violations that occurred on foreign territory. This interpretation of the ATS remained common until 2013, when the US Supreme Court ruled that the presumption against extraterritoriality applies to ATS claims.[8]

2.2 Theoretical Mechanism

Every ATS case in our dataset is based on an alleged violation of international law that is committed by a perpetrator—which can be an individual or a corporation—and harms a victim in a non-US sending country. For example, the first major ATS case involved the torture and killing of seventeen-year-old Joelito Filártiga in Asuncion, Paraguay by members of the police.[9] The underlying violations in most ATS cases are severe human rights and humanitarian law violations, like genocide and torture (Ewell, Hathaway and Nohle, 2022, 1241).

Successful ATS lawsuits require personal jurisdiction, which is established through minimum contacts with the state in which the case proceeds. If the perpetrator is an individual, these minimum contacts may be established through immigration of perpetrators to the state in which the case ultimately proceeds. In the *Filártiga* case, the parents and sister of Joelito Filártiga moved to the US and applied for asylum. They then learned that Américo Peña-Irala, the former Inspector General of Police in Asuncion, was living in Brooklyn, New York on an expired visa.

An ATS case begins when a victim files a complaint in US federal court. The Filártiga family wanted Peña-Irala to be punished for Joelito's painful death. They first reported Peña-Irala to the Immigration and Naturalization Services so that he would be held in prison while awaiting lengthy deportation proceedings. They then filed a civil complaint against him under the ATS in the Eastern District of New York, which has jurisdiction over Brooklyn.

[8] *Kiobel v. Royal Dutch Petroleum Co.*, 569 U.S. 108 (2013).
[9] Details about the *Filártiga* case come from the 1980 opinion.

An ATS complaint then triggers judicial proceedings that yield one or more opinions. These judicial proceedings do not require that the plaintiff reside in the US. However, plaintiffs who are immigrants to the US find it relatively easy to obtain legal assistance, provide evidence, and testify in trials. In the *Filártiga* case, the proceedings were relatively simple because both the Filártiga and Peña-Irala were physically present in New York. The case was heard by a district court, which dismissed the case. Then the Second Circuit Court of Appeals wrote the 1980 opinion that allowed the case to proceed under the ATS. A later 1984 opinion awarded the Filártiga family $10 million in damages, which they never collected because Peña-Irala had no assets in the US.[10] More complex cases can include additional proceedings like the consolidation of multiple complaints and/or the transfer of a case across judicial districts. Additionally, both the US government and foreign countries often file legal submissions on topics like immunity and extraterritoriality, even if they are not litigants (Ewell, Hathaway and Nohle, 2022, 1224–1227).

2.3 Empirical Hypotheses

This process suggests that higher immigrant stocks make ATS opinions more likely. If the victim is an immigrant, as a practical matter, he/she can more easily file a complaint, provide evidence, and testify in a trial. And if the perpetrator is an immigrant who has his/her home in the judicial district, that residence will make venue proper. In addition, the federal court is more likely to exercise personal jurisdiction because of the immigrant's contacts with the state of which the district is a part. An individual perpetrator is also more likely to be identified by other immigrants and to be served with process. Finally, a successful trial is more likely to yield assets that can be seized by a victim. Overall, we expect:

> Hypothesis 1: Higher immigrant stocks from the sending country in a judicial district make ATS opinions more likely.

The ATS process also suggests that more atrocities in a sending country will make ATS opinions more likely. When a sending country experiences more severe and more widespread violations of human rights and humanitarian law, there are more potential legal claims that foreign nationals can bring to US courts under the Alien Tort Statute. We therefore expect:

> Hypothesis 2: More atrocities in a sending country make ATS opinions involving that country more likely.

[10] See Edward Wong, "FOLLOWING UP; Still Seeking Justice In a Brother's Death" *New York Times*, 1 October 2000. P. 33.

Finally, we believe that victims are motived primarily by a desire for justice, rather than monetary rewards. Yet we nonetheless expect victims to be rational, meaning that we expect that higher costs, which increase the difficulty of filing a complaint, should be associated with fewer ATS complaints. We according expect:

Hypothesis 3: Higher costs for filing a complaint make ATS opinions less likely.

Because it takes time for individuals to physically move across international borders and for cases to be heard by US judges, we include time lags in our empirical tests.

3 Measuring Judicial Opinions and Immigration

3.1 Judicial Opinions

To code ATS opinions, we began with the best available data, which is Ewell, Hathaway and Nohle (2022).[11] This data identifies 638 opinions from 1793 to July 2021. We removed opinions issued before the 1980 *Filártiga* opinion because they did not demonstrate that the ATS could be used to seek redress for international law violations in foreign countries. In their data set, Ewell, Hathaway and Nohle (2022) code both the opinion year and the location of the alleged harm(s) addressed by each opinion. We use this information to create separate observations for each sending country in which an alleged tort occurred.[12] For example, in the *Hwang Geum Joo* case, the plaintiffs sued Japan for alleged crimes during World War II in China, the Philippines, South Korea, and Taiwan, yielding four different sending countries and hence four separate observations.

We then examined the case history of each opinion to identify where the plaintiff(s) originally filed the complaint(s) that resulted in each opinion.[13] Unfortunately, it is not possible to code all complaints filed under the ATS for the period under observation. For most of the history of the US federal judiciary, complaints were filed on paper and periodically destroyed by federal courthouses. The transition to electronic record-keeping occurred at uneven start dates across federal judicial districts.[14] Legal service providers (like Bloomberg Law, Westlaw, etc.) can sometimes retrieve specific court records. However, these service providers do not yield comprehensive search results of

[11] Available on Dataverse.

[12] We did not include alleged torts that occurred within the US, on the high seas, or lacked information. We treated the Guantanamo Bay Naval Base in Cuba as US territory because it was under US control during the relevant period.

[13] Detailed coding notes on the filing districts are available in our replication materials. We consulted the text and footnotes of the opinions, court records for multidistrict litigation proceedings, and court dockets available from PACER using Bloomberg Law.

[14] Limited Congressional funding ensured that different courthouses adopted technologies at different time-periods.

all complaints for all court cases, particularly for cases that did not yield opinions and particularly during the 1990s and 2000s, when the federal judicial system transitioned to electronic record-keeping at irregular intervals.[15]

Because ATS cases sometimes involve multiple plaintiffs and multinational corporations, cases can move across judicial districts and be consolidated with other cases making similar legal arguments. For example, the *Chiquita* case originated in complaints that were filed in five judicial districts across the country.[16] These complaints were then consolidated and adjudicated in Florida at the request of the Chiquita Brands International, which is based in Miami. We treat such complaints as separate observations because it is unclear whether plaintiffs in the different districts were acting in coordination or even if they were acting in coordination, which district would be the "first" district. It is possible that individuals who were harmed separately filed in different districts, not knowing that others had or were planning on filing a similar complaints elsewhere. In this case, the filings are separate observations. In other instances, it could be that individuals filed in multiple different districts as a court-shopping strategy, in which case they may not be separate observations. Unfortunately, these are observationally equivalent, given the lack of comprehensive records on these complaints.

Yet, such cases are uncommon: only about 12% of opinions generate more than one observation in our dataset. About 5% of opinions address harm in multiple sending countries. And about 7% of opinions correspond to complaints filed in multiple districts alleging harm in a single sending country.

After coding this information for every ATS opinion, we constructed a series of three outcome variables that we use in our main analysis. Each outcome variable was constructed at the level of an (ijt)-triple where i represents the federal district court, j represents the sending country, and t represents the year under observation. First, Any Opinion is an indicator variable that equals 1 if any ATS opinion was issued in the specific year that: (1) addressed alleged torts committed in the sending country; and (2) resulted from a complaint that was originally filed in the territory covered by the federal district court. Otherwise, the variable equals 0. Second, Opinion Count is a count variable for the total number of ATS opinions that meet the criteria. Third, First Opinion is an indicator variable that equals 1 only for the first ATS opinion in a given district that meet the criteria, and equals 0 otherwise.

To account for the fact that some opinions were generated by multiple complaints, we created an

[15] For example, see Henderson and Hubbard (2015, S102) on missing judicial records.

[16] The *Chiquita* complaints were filed in S.D.Oh., S.D.N.Y., D.D.C., D.N.J., and S.D.Fla.

additional version of these variables to conduct robustness checks. For each opinion, we compiled the set of complaints that generated that opinion. *Variable* RANDOM assigns the opinion to a randomly chosen judicial district from the set. This process yields three additional versions of our outcome variable.

3.2 Immigration

To assess the impact of immigration on ATS opinions we must first measure the movement of immigrants to judicial districts. Our raw immigration data comes from the individual data samples of 1960, 1970, 1980, 1990, and 2000 Censuses and the 2005-2019 American Community Surveys (ACS), downloaded from Ruggles et al. (2023). Ruggles et al. (2023) provides stratified samples of the individual-level data from the surveys, along with weights.[17] We define immigrants as those born in a country other than the US and use the country of birth as the sending country.

The Census Bureau counts all individuals who regularly reside in the US at their regular residence regardless of legal status. Thus, our measure of immigrants includes naturalized immigrants; legal permanent residents ("Green Card" holders); individuals who plan to live permanently in the US but do not yet have a Green Card; temporary migrants, such as H-1B workers; and undocumented immigrants. It does not include individuals who are in the US for tourism or a short-term business trip. The data includes the county in which each individual lives.

Using the county data, we allocate each individual to the appropriate federal court district. Using the weights, we then aggregate the data to come up with a measure of the total number of immigrants from a given sending country in each of the 94 federal judicial districts. For the years between the censuses, we linearly interpolated the data to create our main explanatory variable, IMMIGRANT STOCK, which is the number of immigrants from a sending country that reside in a federal judicial district in a given year. Because we do not know when every complaint was filed, we lag this variable in our main analysis by five years.

3.3 Patterns in the Descriptive Data

We first examine the data from the perspective of the sending countries. Figure 1(a) shows average immigration to the US from each sending country for 1980—2020. In contrast, Figure 1(b) shows the total number of ATS opinions for torts alleged to have occurred in each sending country. Darker

[17] We used a 5% sample of the 1960, 1980, 1990, and 2000 censuses and the 1% metro 1970 sample; and a 1% sample from the 2005-2019 ACS. The 2001-2004 ACS only includes data at the state level and thus cannot be allocated to court districts.

colors indicate higher levels of immigrant stock and more opinions, respectively.

[Figure 1 goes here.]

Some sending countries provide both high immigration to the US and many ATS opinions, like Canada, China, and Mexico. However, other countries provide relatively low immigration to the US but have many ATS opinions, like South Africa. Finally, some countries with very high immigration have few opinions, like Brazil. These facts suggest that the human rights records of sending countries will be an important explanatory variable, although anomalies (like Canada, which has a good human rights record and many ATS opinions) will remain in the data.

We can also examine the data from the perspective of US judicial districts. Figure 2(a) shows the average immigrant stocks for 1980—2020 for each federal judicial district. Meanwhile, Figure 2(b) shows the number of ATS opinions that resulted from complaints filed in each judicial district. As in earlier maps, darker colors indicate higher levels of immigrant stock and more opinions, respectively.

[Figure 2 goes here.]

Some judicial districts have both high immigrant stocks and many ATS opinions. For example, the California Central and Northern Districts stretch along the west coast of California and cut across Southern California to include the city of Los Angeles. These two districts have very high average immigrant stocks and many ATS opinions. However, the adjacent California Eastern district—which lies inland of these two judicial districts—has similarly high average immigrant stock, but much fewer ATS opinions. This comparison suggests that district attributes may affect ATS complaints. The California Central and Northern Districts are primarily urban with major cities like Los Angeles, San Francisco, and Santa Barbara, while the Eastern District is primarily agricultural land. The districts therefore differ in their education, income, and population.[18] These differences may affect local knowledge about the ATS and how immigrants can use it to seek justice remittances.

4 Evidence that Immigrants Matter

4.1 Other Variables

Atrocities

[18]The California Central and Northern Districts are higher on all three measures than the California Eastern District. These differences are statistically significant. See replication files.

To file an ATS case, a perpetrator must commit a tort against a victim. This is more likely to occur in a country with more atrocities. To measure the level of atrocities in the sending country, we use two measures of human rights. First, the variable PTS is the political terror score of the sending country from Gibney et al. (2020). This is a well-known and commonly used metric that ranges from 1 (for countries under secure rule of law) to 5 (for countries in which leaders routinely murder, disappear, and torture the general population). This data has full coverage from 1976 to 2017.

Second, the variable DEMOCRACY uses data from Polity (Marshall, Gurr and Jaggers, 2016). Higher values correspond to more democratic regimes which are associated with greater protection of human rights. Both of these variables were used by Johns, Langer and Peters (2022) as the baseline measures of atrocities.

Recall that our outcome variables are indexed by the date of a court opinion. To account for the time it takes for individuals to move across international borders and for cases to be heard by US judges, we use the average values of our atrocities variables over the last ten years in our main analysis.

Costs

We also control for the costs that a victim faces when filing a complaint. Victims may fear that US judges will be influenced by the US's political relationship with the sending country. After all, many ATS lawsuits are filed against public officials, like prime ministers and military officers, and the US Executive Branch often expresses its opinion on ATS cases. To account for fears that power politics may influence ATS complaints, we include indicator variables for whether the US and the sending country have an ALLIANCE and whether the sending country is a MAJOR POWER (Correlates of War Project, 2013).

We next include an indicator variable for whether the sending country is ENGLISH SPEAKING (Melitz and Toubal, 2014). Knowledge of English greatly eases access to US courts for victims and also makes it easier to provide evidence, such as documents and witness testimony. We therefore expect that knowledge of English will lower the cost of ATS complaints and increase the likelihood of ATS opinions.

We also expect that local knowledge about the ATS should lower the cost of filings and increase ATS opinions. While local populations are unlikely to closely watch developments in their local federal courthouses, ATS opinions with effects on local immigrant populations may facilitate the spread of legal knowledge about the ways in which the ATS can be used to uphold international

human rights law and lawyers should take notice of prior opinions in a given district. We accordingly include an indicator variable for whether there has been a PRIOR ATS OPINION.

All of these cost variables affect the decision by victims about whether to file a complaint. To account for the time it takes for cases to be heard by US judges, we lag all of these measures in our main analysis by five years.[19]

District Attributes

Finally, we control for demographic attributes of judicial districts that might affect the context in which immigrants live. To construct these measures, we rely on the individual-level Census/ACS data from Ruggles et al. (2023), which we aggregate to the level of judicial districts and linearly interpolate to construct annual measures. These measures include the weighted median EDUCATION, weighted median INCOME, and weighted sum of the POPULATION in each district.

Once again, all of these district attributes affect the decision by victims about whether to file a complaint. So we accordingly lag all of these measures in our main analysis by five years.

4.2 Estimation

To estimate the effect of immigration and other explanatory variables on whether there is ANY OPINION and the OPINION COUNT in a given year, we use OLS with robust standard errors clustered by the District-Sending Country dyad. Despite the non-continuous outcome variable, OLS offers a "well-defined conditional expectation function" and simplifies interpretation because the coefficients reflect differences in conditional means (Angrist and Pischke, 2009, 197).[20] We standardize all continuous variables, which allows us to interpret the coefficients below as the change in the dependent variable of a one-standard-deviation change in a continuous explanatory variable or the change from 0 to 1 in a dichotomous explanatory variable.

For FIRST OPINION, we follow the common practice in the IR literature of using a logit model with robust standard errors clustered by the District-Sending Country dyad and including years since the start of the dataset, its square and cube, and dropping the years after the first opinion (Carter and Signorino, 2010). This method is equivalent to a hazard model but easier to interpret (Beck, Katz and Tucker, 1998). All continuous variables are again standardized, meaning that the coefficients are equal to the change in the log-odds of a one-standard-deviation change in a continuous explanatory variable or the change from 0 to 1 in a dichotomous explanatory variable.

[19] The language of the sending country does not change over time and this variable is not lagged.

[20] In the Online Appendix, we use logit to estimate the regression for ANY OPINION and a zero-inflated negative binomial to estimate the regression for OPINION COUNT and find similar results. We prefer OLS because of its ease of interpretation and the ability to include district fixed effects without dropping districts with no cases.

4.3 Main Results

Table 1 provides the results of our main regression models. First, the coefficient on Immigrant Stock is positive and statistically significant (at various levels of significance) across all three regression models. Because Immigrant Stock is standardized, the coefficient can be interpreted as the effect of a one-standard-deviation change in the stock of immigrants from the sending country to the judicial district. ATS opinions are very rare events, as shown by the dependent variable mean at the bottom of the table. Thus, it is not surprising that Immigrant Stock has a small marginal effect on the likelihood of an ATS opinion.

[Table 1 goes here.]

Next, we see that atrocities in the sending country matter. The PTS coefficient is positive and always highly statistically significant. Interestingly, ATS opinions are more likely to involve countries with a higher level of Democracy in Models (1) and (2). This could be because victims can more easily collect evidence or are less worried about negative consequences for remaining family members in democratic sending countries.

Third, we see mixed evidence regarding costs. If political costs matter, then the coefficients on Alliance and Major Power would be negative. But we see the opposite. One possible explanation for these results is that atrocity victims believe that US courts are not highly politicized. Alternatively, these variables may exert little influence because ATS defendants are sometimes multinational corporations rather than foreign public officials. However, ATS opinions are significantly more likely to involve English Speaking sending countries and are more likely after a Prior ATS Opinion in the judicial district. This evidence suggests that legal costs matter and influence immigrant filing decisions.

Finally, we see that ATS opinions are more likely to originate in districts with a larger Populationand higher Income. Surprisingly, higher Education significantly decreases the likelihood of ATS opinions in Models (1) and (2). Unfortunately, we cannot provide a compelling explanation for these mixed results. In part, this may be due to the large geographic size of most districts: most districts contain both rural and urban areas, leading to greater diversity in education and income within districts rather than between districts. The lack of differences in education and income across US judicial districts is relatively small, making statistical inference very challenging. It is also possible that district-level education and income do not matter and instead, potential plaintiffs simply need to find a few smart lawyers and a few wealthy individuals to help.

4.4 Sensitivity Analysis

To examine the sensitivity of Immigrant Stock, we examine how large an unobserved confounder would need to be to change our results using the procedure in Cinelli and Hazlett (2020). Assume that there is an unobserved confounder such that our estimate of the effect of Immigrant Stock is greater than 0 but the true effect is 0. In this case, our estimated coefficient would be biased. Cinelli and Hazlett (2020) show that this bias can be calculated from the amount of variation (R^2) that the confounder explains in both the outcome and explanatory variables. Their procedure allows us to calculate how much variation this confounder must explain such that the bias in our estimate is large enough that the true estimate is 0. It also allows us to examine how large a hypothetical confounder would need to be in comparison to other variables.

We show in the Online Appendix that an unobserved confounder must have at least twice the effect of PTS to bring the coefficient on Immigrant Stock in Model (1) to zero. Similar findings hold for Models (2) and (3), showing that our results are not sensitive to confounding variables.

4.5 Robustness Checks

We also performed a variety of robustness checks.[21] First, we performed the Any Opinion and Opinion Count analysis using logit and zero-inflated negative binomial models, respectively. Next, we used different lag structures for our explanatory variables. Third, we used the alternative dependent variables, in which opinions that originated from multiple complaints were randomly assigned to a filing district. Fourth, we performed stepwise regressions starting with Immigrant Stock and then sequentially adding variables to examine how the coefficient size for Immigrant Stock changed. Finally, we checked the robustness of results to influential judicial districts (D.D.C., S.D.N.Y., N.D.Ca., and C.D.Ca.) and sending countries (Canada, Mexico, and China). Throughout, we see similar results.

5 Conclusion

Previous research argues that domestic courts can create "justice remittances" (Johns, Langer and Peters, 2022, 1186). When immigrants arrive in a new country, they can access local courts and law enforcement agencies in their new home country. These domestic institutions can be used to seek redress for severe violations of international law that occurred in their sending countries. This

[21] See the Online Appendix for all documentation.

previous research focused on global patterns of criminal prosecutions using universal jurisdiction cases.

Our empirical analysis of Alien Tort Statute opinions makes three major contributions to this important and nascent area of interdisciplinary research. We provide the first known subnational evidence that migrants drive transnational litigation. Second, we provide compelling evidence that justice remittances extend to civil remedy lawsuits, not just criminal prosecutions. And finally, we provide micro-level evidence from a country that is notorious for opposing the use of international law by domestic courts (and hence makes a "tough" case for transnational justice arguments): the United States. While the US Supreme Court has tried to limit the use of the Alien Tort Statute in recent years, pushback has come from lower courts, human right lawyers, and even the US Congress and President, who have created new pathways for transnational justice.[22] Our evidence suggests that key drivers of justice remittances are at work within the US: immigrant stocks, atrocities in sending countries, and the legal costs of pursuing justice. The US may not be so exceptional after all.

[22]For example, other US laws that allow justice remittances for foreign nationals include the Torture Victim Protection Act (1991), the Justice Against Sponsors of Terrorism Act (2016), and the Justice for Victims of War Crimes Act (2023).

References

Angrist, Joshua D and Jörn-Steffen Pischke. 2009. *Mostly Harmless Econometrics: An Empiricist's Companion*. Princeton University Press.

Beck, Nathaniel, Jonathan N Katz and Richard Tucker. 1998. "Taking Time Seriously: Time-Series-Cross-Section Analysis with a Binary Dependent Variable." *American Journal of Political Science* 42(4):1260–1288.

Carter, David B and Curtis S Signorino. 2010. "Back to the Future: Modeling Time Dependence in Binary Data." *Political Analysis* 18(3):271–292.

Cinelli, Carlos and Chad Hazlett. 2020. "Making Sense of Sensitivity: Extending Omitted Variable Bias." *Journal of the Royal Statistical Society: Series B (Statistical Methodology)* 82(1):39–67.

Correlates of War Project. 2013. "Formal Interstate Alliance Dataset, Version 4.1." Available at: `www.correlatesofwar.org`.

Dodge, William S. 2020. "The New Presumption Against Extraterritoriality." *Harvard Law Review* 133:1582–1654.

Dodge, William S and Chimène Keitner. 2021. "A Roadmap for Foreign Official Immunity Cases in U.S. Courts." *Fordham Law Review* 90:677–735.

Ewell, Thomas, Oona A. Hathaway and Ellen Nohle. 2022. "Has the Alien Tort Statute Made a Difference? A Historical, Empirical, and Normative Assessmentt." *Cornell Law Review* 107:1205–1317.

Gibney, Mark, Linda Cornett, Reed Wood, Peter Haschke, Daniel Arnon, Attilio Pisanò, Gray Barrett and Baekkwan Park. 2020. "Political Terror Scale 1976-2019." Available at: `http://www.politicalterrorscale.org`.

Henderson, M. Todd and William H. J. Hubbard. 2015. "Judicial Noncompliance with Mandatory Procedural Rules under the Private Securities Litigation Reform Act." *Journal of Legal Studies* 44:S87–S105.

Johns, Leslie. 2022. *Politics and International Law: Making, Breaking, and Upholding Global Rules*. Cambridge University Press.

Johns, Leslie, Máximo Langer and Margaret E. Peters. 2022. "Migration and the Demand for Transnational Justice." *American Political Science Review* 116:1184–1207.

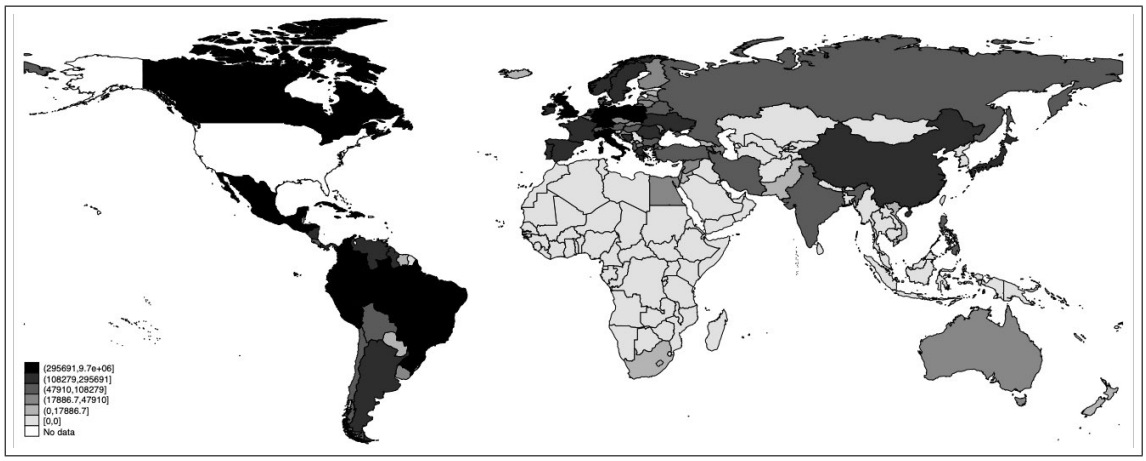
Marshall, Monty G, Ted Robert Gurr and Keith Jaggers. 2016. "Polity IV Project: Political Regime Characteristics and Transitions, 1800–2015." Available at: `http://www.systemicpeace.org`.

Melitz, Jacques and Farid Toubal. 2014. "Native Language, Spoken Language, Translation and Trade." *Journal of International Economics* 93(2):351–363.

Ruggles, Steven, Sarah Flood, Matthew Sobek, Danika Brockman, Stephanie Richards and Megan Schouweiler. 2023. "IPUMS USA: Version 13.0 [dataset].".

Figure 1: Comparing the Sources of US Immigration and ATS Opinions, 1980-2020

(a) Average Immigration to US from Each Sending Country



(b) Total ATS Opinions for Alleged Torts in Each Sending Country

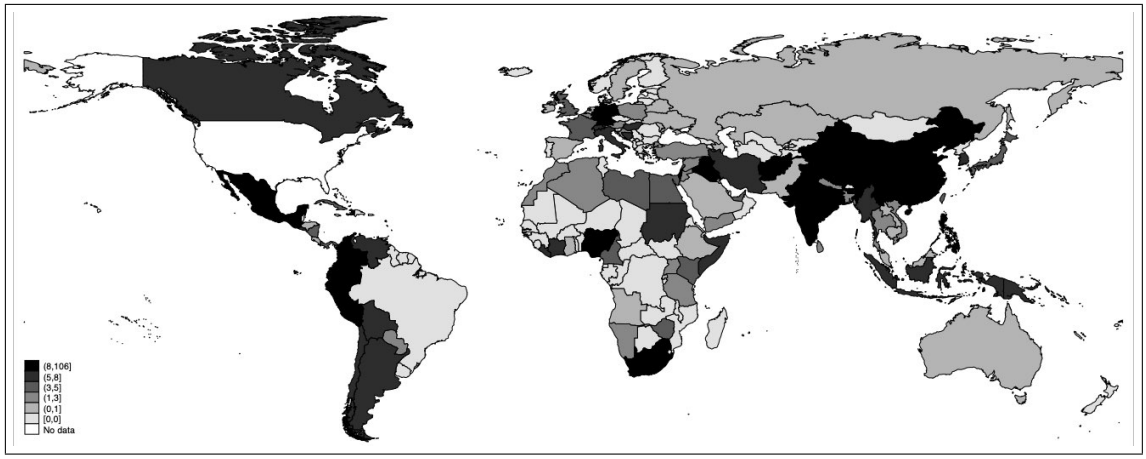
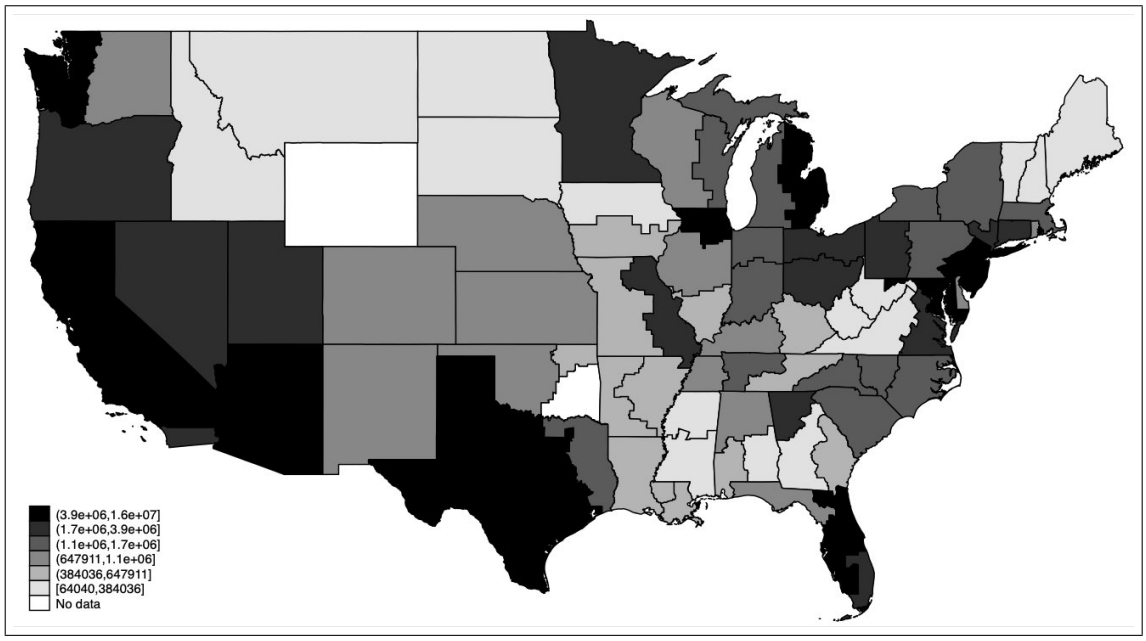


Figure 2: Comparing Immigrant Stocks and Filing Districts for ATS Opinions, 1980-2020

(a) Average Immigrant Stocks by Judicial District



(b) Total ATS Opinions by Filing District

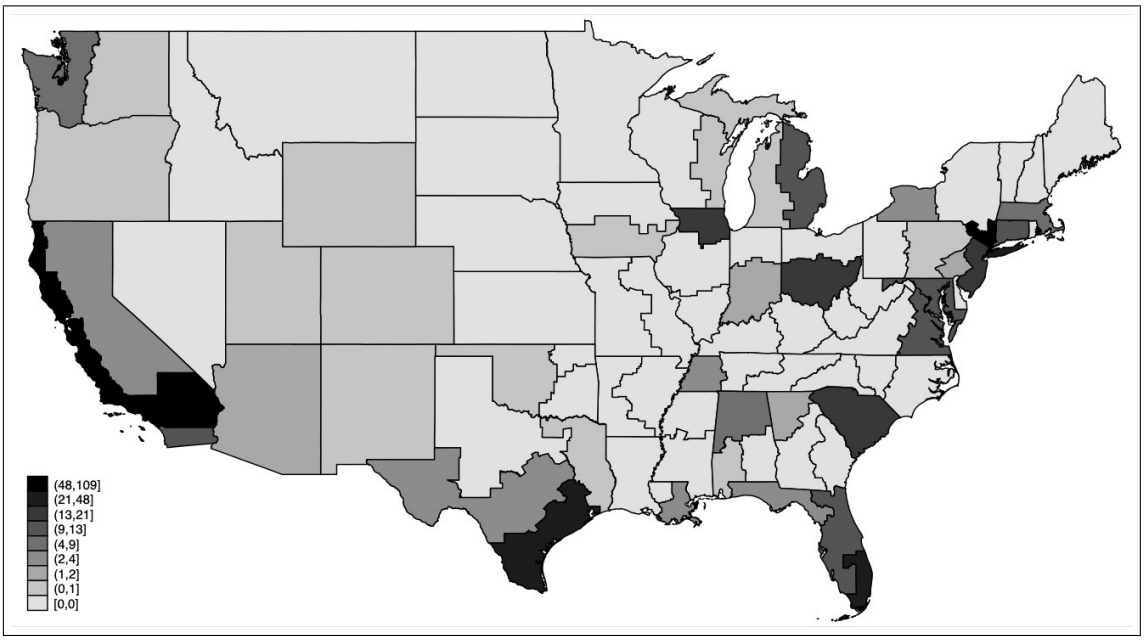


Table 1: Regression of Opinions on Explanatory Variables

	(1) Any	(2) Count	(3) First
Immigrant Stock (5 yr lag)			
Immigrant Stock (log)	0.00041*	0.00034+	0.65***
	(0.00017)	(0.00020)	(0.18)
Atrocities (10 yr average)			
PTS	0.0010***	0.0013***	0.89***
	(0.00015)	(0.00019)	(0.17)
Democracy	0.00025+	0.00052*	-0.41
	(0.00014)	(0.00021)	(0.36)
Costs (5 yr lag)			
Alliance	0.00022	0.000023	1.34*
	(0.00020)	(0.00026)	(0.58)
Major Power	0.0021*	0.0022*	1.41*
	(0.00091)	(0.00097)	(0.67)
English Speaking	0.00094***	0.0014***	1.14**
	(0.00025)	(0.00037)	(0.37)
Prior ATS Opinion	0.0045***	0.0051***	
	(0.00047)	(0.00058)	
District Attributes (5 yr lag)			
Education	-0.00033**	-0.00047***	1.06
	(0.00011)	(0.00013)	(0.97)
Income	0.00023*	0.00023+	0.030
	(0.00011)	(0.00013)	(0.96)
Population (log)	0.00035**	0.00050**	0.90***
	(0.00012)	(0.00016)	(0.22)
Observations	462,621	462,621	342,904
R^2	.0046	.0038	
Pseudo R^2			.14
Dependent Variable Mean	.0011	.0013	.00011

+ $p < 0.10$, * $p < 0.05$, ** $p < 0.01$, *** $p < 0.001$

Robust standard errors clustered by district-sending country dyad in parentheses. All continuous variables have been standardized. Models (1) and (2) are OLS models. Model (3) is a logit model with years after the first opinion dropped, which prevents the inclusion of the Prior ATS Opinion variable. Model (3) also includes years since 1980, its square, and cube.