

Migration, Not Asylum



by Theodore Dalrymple

The process of auto-beatification among the educated in the West seems more prevalent than ever. Possessed, as they believe, of knowledge, wisdom, and generosity, they believe also that they are the conscience of society who therefore

ought rightly play a directing role in it. They have what Thomas Sowell, the great American economist and social theorist, calls "the vision of the anointed," derogation from which would be a sign of moral and intellectual weakness. For them, all desiderata are reconcilable, and the world can be made not only just, but fair. Perhaps not coincidentally, the cost of all this will be borne by others.

The British Supreme Court has just ruled that the government's plan to deport people to Rwanda who arrive illegally in the country in boats across the English Channel, with the intention of claiming asylum, is illegal. I never thought much of the plan from the practical point of view; like most attempts by the British government to deal with any problem, in this case that of the large number of unauthorized immigrants arriving in the country each year, it was destined to fail.

But the Supreme Court's decision is instructive of the state of mind of the ruling elite, not only in Britain but in much of the Western world. The reason given for its ruling was that the safety of the deportees to Rwanda could not be guaranteed, in the sense that they might be returned from the country from which they had fled, or at least from which they had emigrated. It is illegal under international law to return asylum-seekers to their countries of origin before their claims to asylum have been properly heard and investigated, or even to put them at risk of such return. No doubt in some narrow sense, then, the judges were right: They have to interpret the law as it is, not as it ought to be, and (from experience of giving testimony in British courts) I have a high regard for the intellectual ability of British judges.

Yet the judgment is completely disconnected from social reality in a wider sense. The first and most important disconnection is that the vast majority of the alleged asylum-seekers are in no sense refugees at all when they arrive. They arrive from countries such as France, and it is an insult to

such countries to suggest that they would not be safe to remain in them.

A friend of mine who works as a translator during the investigations of claimants to asylum tells me that, apart from the fact that almost all of the asylum-seekers lie about their histories in the most evident way, they reply to the question, "Why did you not claim asylum in France?" by saying that there was no accommodation for them there, that they would have had to sleep under bridges, and that Britain was the only country in which human rights were truly respected. This, of course, is nonsense; their lives would not be put at risk through political persecution in France, and in essence they arrive in Britain not through necessity, but by choice. This is not asylum; it is migration. Of course, they have their reasons for wishing to migrate, and it must be conceded that those who undertake the hazardous journey are strongly motivated, often by unfortunate past circumstances. This is not the same as fleeing persecution, however, for which the institution of asylum is intended.

In practice, the judges' ruling meant that vanishingly few illegal immigrants claiming asylum can be removed from the country, for the proper investigation of their claims is time-consuming when possible, and is often impossible; moreover, it is subject to lengthy appeal procedures once an initial decision has been reached. The countries to which failed asylum-seekers ought to be returned might refuse to accept them because they, the asylum-seekers, have taken great care to destroy any documentary evidence proving their citizenship of that country. If the onus is on the authorities to disprove a claim, then, in effect it means that the vast majority of claims will have to be accepted, virtually sight unseen. All attempts at control numbers will be nugatory and might as well be abandoned, for all their statistical effect.

The judges' ruling would apply no matter how many asylum-seekers there were: If 10 million were to arrive in a year, or

even in a day, their principle would apply as much as if there were only one. With net migration into the country running at between 1 and 2 percent of the total population a year, if this were to continue (though let it be remembered that a projection is not a prediction), nearly a quarter of the population in 25 years would consist of migrants. The national interest, or even survival, does not enter into the judges' opinion, and in normal circumstances it should not, for it is for the government rather than for the courts to defend the national interest; but now the law in effect prevents the government from doing so.

I cannot be certain, but I surmise that the judges felt pretty pleased with themselves after they passed their judgment. They had protected the weak and vulnerable from the privileged and the strong, or so they probably believed (among other things by imposing on the latter obligations, such as the provision of food and shelter); and who does not feel pleased with himself after he has performed an act of gallantry, or after giving succor to an underdog?

If an article in *The Daily Telegraph* written anonymously by a civil servant working in the department of state concerned with immigration is to be believed, the vast majority working in that department rejoiced at the judges' ruling, not because they thought it just, but because they are opposed ideologically to the very idea of controlling immigration. They do not consider themselves citizens of any particular country, least of all their own, but of the world, and their moral duty is to the whole of humanity, not to any particular group of people. There is obviously a certain grandiosity in this. Their view is that of someone I know in France who says in defense of mass immigration that no one is an immigrant to Earth.

I used to feel contempt for Freud's concept of the death instinct, but now I see it at work, disguised as a certain moral pride, in whole countries and societies.

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