Disability and forced migration.

What are the problems and what needs to change?

Speech given 29th June at Honouring Kamil and Bijan: exploring disability and migration

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Kamil Ahmad, a disabled man, fled his home in Kurdistan, having been tortured and imprisoned. He arrived in Bristol, in 2012, hoping to find peace and safety. Instead, his application for asylum was refused, and 4 years after arriving, he was murdered.

Almost exactly 2 years later, amongst the sadness and anger I also feel a sense of hope.

Hope not because the ways that Kamil was failed are easy to solve but because if we can bring together disabled citizens, asylum seekers, refugees and allies into a movement of real solidarity, then we could fundamentally change the system.

We have a long way to go but at least we have started

I met Kamil soon after he arrived in Bristol. He was one of the people who introduced me to the extreme injustice faced by disabled asylum seekers in Britain. What he, and others taught me, became the motivation for the PhD that I am currently working on. As part of this, I have been interviewing people in the immigration sector and the disability movement – including disabled asylum seekers and refugees, people working in asylum support organisations or disabled people's organisations, campaigners, legal representatives, Home Office and politicians.

Based on this work, I will outline what I have learned about the injustice that disabled asylum seekers are facing. I will describe what I see as the causes. Then I will explain why I believe some current initiatives actually reinforce the core problem. Finally, I will explain what I believe really needs to change.

1. **Background**

When I met Kamil in 2012 I was trying to bring together a group of disabled people seeking asylum, as part of a bigger project with UK Disabled Peoples Council. My first hurdle was finding people. I spoke to the disabled people's organisations that I knew, but found none that were aware of asylum seekers among their members. I rang a major charity working with refugees and was told **'disabled, asylum seekers … don't really exist'.**

> I had been involved in the disability movement for many years. I was prepared for the everyday barriers and routine disregard for the needs of disabled people.

> I am the daughter of a refugee and grew up with stories of the traumas of losing one's home. I had been volunteering in the asylum sector. I was prepared for the injustice and hostility of asylum policy.
>
> I was not prepared for the casual denial of people's very existence, even within organisations designed to provide support.

It is important to be clear that the injustice Kamil experienced started long before the periods covered in the murder enquiries.

When I met Kamil in 2012 he drew a picture of what he wanted people to understand. He explained: "This is my heart that has been stabbed with a dagger. The Home Office did this. I am bleeding and no-one can stop it."

This was **4 years** before Kamil was murdered. He wasn't predicting what he thought was going to happen, he was describing what he felt was already happening.

I am referring mostly to Kamil's experiences because I knew him, but there are many parallels with the experiences of Bijan Ebrahimi, also disabled, also a refugee, also murdered in Bristol. Bijan had more secure migration status and so in theory had greater rights.

There have been official enquiries into the circumstances leading to both murders. Of course, lessons should be learned from this time, but t**he harsh reality is that many of the ways in which Kamil was failed are neither unusual nor the result of oversights. The hostile environment is designed to be hostile.**

The suffering that Kamil had been through was not enough to persuade the Home Office that he deserved sanctuary. This is not unusual. Last year, 66% of asylum applications were refused.

Kamil's mental health conditions, including post-traumatic stress disorder made it difficult for him to remember and provide evidence of the minute details of his experiences. This is not unusual. Mental distress is so common among asylum seekers as to be considered normal. And there are obvious barriers to gathering evidence, when a person has fled their home, often without packing a bag.

When I met Kamil he had no secure place to live, no knowing where, or when, he would get his next meal and perhaps hardest of all, no knowing how long this situation would continue. This is not unusual. This is deliberate policy for refused asylum seekers.

At a time like this our anger and loss makes us impatient for change. We should be angry and we should be impatient, but unless we think through what the problem is, we risk putting all our energy into reducing some immediate symptoms of disadvantage for some individuals but leaving the causes untouched.

2. **What is the problem?**

When I listen to disabled asylum seekers and refugees speak of their experiences, I wonder how we have come to a point where people can be treated SO badly. The injustice is widespread. For example, among people I have met:

A blind man was released from immigration detention and left on a street corner with no assistance, in a town where he knew no-one. He was only helped after collapsing and being taken to hospital.

A woman was in hospital ready for an operation when her HO papers were checked and the operation was cancelled. She then relied on painkillers and struggled to walk as far as the foodbank. As she put it 'the HO know what they are doing'.

A young person with haemophilia was detained and denied medication until after he had been bleeding for three days. He was then taken to hospital – and treated, in handcuffs.

The denial of rights to asylum seekers, including disabled asylum seekers is not new. Since the 1951 Convention on the status of refugees, there have been **16** immigration acts, each reducing the rights of migrants, including disabled asylum seekers. There appears to be increasingly widespread acceptance that <u>some</u> people deserve human rights, but others do not.

If our commitment to <u>universal</u> human rights is broken, it becomes an easy step for rights to be removed from ever more people.

Recent laws show how the denial of rights has been extended from one group to another.

- **in 1999** the Immigration and Asylum Act removed the rights of asylum seekers to access mainstream benefits. There was no longer any financial recognition of the costs of being disabled for those people also seeking asylum. acknowledgement of the costs of being disabled. People also lost the right to choose where to live, and may be forced to move to areas of cheap housing, away from support networks.

  There was no organised resistance from the disability movement. Perhaps people's attention was set on the more positive goal of the **UN Convention on the Rights of Persons with Disabilities**. This was passed in 2006, after many years of campaigning. But when the British government signed the Convention it added a reservation excluding immigration policy from the government's obligations. There was little organised resistance. Perhaps the reservation was seen as a minor issue in comparison with the ground-breaking international recognition of disability rights.

- However, in 2012 the **Welfare reform act** drastically cut support available to disabled citizens. It introduced the bedroom tax, forcing people to move to areas of cheap housing. This legislation, together with wider cuts to services and support, led a **UN investigation** to report the British government's approach as 'grave and systematic violations of the rights' of disabled people.

There have been many protests. Yet even now, similarities with policies imposed on disabled asylum seekers more than a decade earlier are rarely mentioned. Even in the disability movement, different standards seem to be accepted for citizens compared with for asylum seekers.

I suggest that the removal of rights from disabled citizens, is the price we are paying for the lack of resistance when the rights of asylum seekers were removed.

Before continuing, I want to address a common myth

Britain and abroad

Some people I have interviewed have told me the problems faced by disabled asylum seekers come from the stigma of disability in their countries of origin.

There are places where disabled people are treated worse than in Britain, but also places where people are treated better. Kamil talked about how despite all the human rights abuses committed by Saddam Hussein, in some ways disabled people had more rights than he had in Britain.

But ranking degrees of shame, is an unhelpful distraction

The key problem we need to deal with is in Britain, because that is where we are and because although some aspects of the disadvantage faced by disabled asylum seekers are caused by oversight (which is bad enough). Other aspects are caused by deliberate policy.

The asylum system itself is disabling.

Some people arrive in Britain as disabled people, but others become disabled when here. Disabled asylum seekers often describe the system as psychological torture. If someone is tortured then symptoms are inevitable. The despair one person felt led him to jump off a bridge. This caused physical impairment as well as the ongoing mental distress. Another person developed serious back problems after being made destitute and having to sleep on park benches.

The Safeguarding Review into the circumstances of Kamil's murder concluded that the inadequate attention paid to Kamil's needs may, in part, be explained by unconscious discrimination against people whose asylum claims have been refused. This may compound the precarity of peoples existence, but the destitution of refused asylum seekers is not due to individual acts of oversight but to deliberate government policy.

When Kamil was murdered, he was also being threatened with eviction from the hostel where he was living. According to Social Services, his mental health had improved and he no longer needed support.

As disabled people - citizens or migrants - know too well, if support is provided and barriers are removed then our conditions may improve; if support is removed, then conditions may deteriorate.

In Kamil's Safeguarding Review it was reported that staff were unaware of how traumatic the threatened eviction was for him. This suggests a puzzling lack of knowledge or empathy. This decision would have resulted in Kamil being street homeless with no income whatsoever. Again, this situation was not unique to him. We are currently aware of at least three disabled asylum seekers who have recently been evicted by Bristol Social Services. With the help of mental health services, legal support and friends, Kamil was lobbying to get the eviction reversed.

The decision was reversed – the morning after Kamil was murdered.

One of the big problems faced by disabled asylum seekers is that it is often unclear how official decisions are made.

- Some people get provided with care, while others, with seemingly similar needs, do not.
- Some people get bus passes, others do not.
- Some people get refugee status, others do not.

Decisions sometimes appear based on arbitrary views of who is deserving and who is not. Asylum seekers fear speaking out against injustice in case it affects wider decisions.

3. What action is already taking place?

Some initiatives are already taking place or have been proposed in relation to the experiences of disabled asylum seekers. Perhaps doing something is better than doing nothing, but I suggest some action distracts us from the fundamental causes of the problem, sometimes even reinforcing divisions.

Safeguarding 'vulnerable' people

In the Home Office and other institutions, there is increasing focus on the need to identify 'vulnerable' people, who are then eligible for 'safeguarding'. Of course, support should be provided to people in crisis. And of course, this is better than

ignoring people's existence. But if I could make one instant change to institutional responses, it would be to delete the word 'vulnerable' from the vocabulary.

Labelling disabled people as 'vulnerable' takes us back to before the disability movement began. All humans are vulnerable. Disabled people have the same needs as anyone else. The issue is whether people face barriers getting those needs met.

Kamil's Safeguarding Review refers to vulnerability 23 times in a 43-page document. Similarly, the Multi Agency Review into the circumstances resulting in Bijan's murder, includes 21 references to vulnerability in a 38-page document (2017). Yet, any human subjected to Kamil or Bijan's experiences would have met a similarly horrendous fate. They died not because they were more vulnerable than anyone else, but because their **rights** were denied. The people intent on killing them were not prevented from doing so.

Focusing on safeguarding vulnerable people risks labelling the person as the problem, distracts from the barriers faced and reinforces ideas that some people are more deserving than others, which I suggest is the core of the problem.

Deserving and undeserving

The negative effect of labelling someone as undeserving may be obvious. But labelling certain people as particularly deserving also implies that others are not.

- If Syrian families selected for resettlement are particularly deserving, does that mean asylum seekers are not?
- If the children of Calais are particularly deserving, does that mean single adult men are not?
- And most relevant to the experiences of disabled people: If someone deserves support because they are labelled as vulnerable, does that mean that others do not?

Of course, sometimes we have to use any means necessary to save the lives of those affected, but the basis of our campaigning must be about solidarity and equal rights, not anyone's exceptional status.

The issues faced by asylum seekers also challenge wider campaigning goals.

Inclusion

Sometimes it is assumed that the solution to the exclusion of disabled people must be inclusion. But inclusion in an oppressive system is no solution – we do not want ramps in detention centres, we want rid of detention centres. Or, as one disabled

activist put it, campaigning for inclusion in the asylum system is like campaigning for sign language interpreters at the gallows.

Counting people

I am often told we need to know how many disabled asylum seekers exist. I ask why? And how? I have met many people who do not define themselves as disabled but who do experience barriers based on physical, psychological or sensory impairments. Do we count people as disabled who say they are not? If the problem is the barriers, then why not focus on addressing the barriers? Surely, injustice is injustice however many people are affected.

More worrying perhaps is that assumed definitions of disability appear to be different for asylum seekers than for citizens. People tell me that not many asylum seekers are disabled, but then tell me it is **normal** for asylum seekers to experience serious mental distress. It is not new, or radical, to include mental distress in definitions of disability. And the idea that if something is 'normal' then it is not disabling, is particularly problematic

4. What does need to be done?

If we accept that the problem is systemic then we need to change the system, not choose who is deserving within it, include people, or count people in it. I am not suggesting that reducing immediate suffering is unimportant, but focussing only on symptoms is like pulling drowning babies out of a river without stopping the person throwing them in.

We can, and should, blame the government for many things – but until now the government has known that removing rights from asylum seekers, and particularly disabled asylum seekers, will not cause protests. That is our collective responsibility and that is in our power to change.

5. To conclude:

The Home Office label people in Kamil's position as failed asylum seekers. Kamil did not fail. Kamil ***was*** failed, in the country in which he had hoped to find peace and safety.

But I also referred to hope.

Disabled people in the asylum system still experience systematic and inhumane denial of basic rights. The hostile environment is still designed to be hostile.

What has changed is that there is now wider awareness that disabled asylum seekers exist.

Small progress perhaps. But today there is determination among disabled citizens, asylum seekers, refugees and allies, to work together.

If we had had a movement strong enough to resist the removal of rights from disabled asylum seekers in 1999, then perhaps those policies would not have been extended to citizens a decade later. Today we recognise that united we stand, divided we fall'.

At a time of such horrendous injustice, that is what gives me hope.