

'Disabling by design': An investigation into protection for disabled asylum seekers in Immigration Removal Centres in the United Kingdom

BACKGROUND

Despite a clear focus on immigration and immigration detention in the UK, there continues to be little research on protection from harm within immigration detention centres (also known as immigration removal centres or IRCs). Surprisingly, even more excluded from this area are investigations of protection for disabled asylum seekers within IRCs. This is despite clear evidence that there is a strong link between forced migration and the creation or worsening of impairments (Migration Data Portal, 2023), that immigration detention is, inherently, likely to be an expected site of potential physical and mental health-related impairments (Powell & Blake, 2023) and that disabled asylum seekers clearly exist in IRCs (InfoMigrants, 2018). However, despite these concerns, there is limited data and research on experiences, provisions and protections for disabled asylum seekers in IRCs.

METHODOLOGY

This research involved:

- Mainly **secondary data analysis** of qualitative primary and secondary sources
- Snowballing citation techniques, and search processes using key terms targeting journals, search engines and media sites were also used during secondary data analysis
- **Primary data analysis** - FOI request to the Home Office
- **Organised into three key areas: Law, Policy & Media (with the judiciary)**

Research Questions:

- How are disabled asylum seekers in Immigration Removal Centres (IRCs) in the UK protected?
- To what extent is protection for disabled asylum seekers in IRCs upheld in the UK?

Aims:

- To examine the role of relevant law (domestic and international), policy, and the media (including the judiciary) in supporting or hindering the protection of disabled asylum seekers in IRCs
- To merge disability and forced migration studies using sociological analysis

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TERMINOLOGY

Disability: This definition draws on the social model (Oliver, 1996; 2013), which states that people are disabled by society and societal barriers, not their impairments. A disabled person is therefore someone with impairments, who has been dis-abled by society.

Asylum seeker: Legally, an asylum seeker is defined as someone who is "at risk of serious human rights violations and persecution" (Amnesty, c2023, no pagination), and is thus usually fleeing their home country.

Impairment: This relates to a "functional limitation [...] caused by physical, mental or sensory impairment." (Disabled Peoples International, 1986, quoted in Oliver, 2013, p. 4)

KEY FINDINGS & CONCLUSIONS

- **IRCs are incompatible with protection for disabled asylum seekers, enforce the UK's legal definition of disability, and violate human rights.**
- **Potential protection and safeguarding processes derived from law, policy, the media, and the judiciary are limited and conditional due to complex elements of the exclusionary culture and hostile environment that dominate society;** as initially highlighted by Yeo (2021), the overall system is evidently "disabling by design" (p. 193). These elements have included the culture of disbelief, disableist attitudes, perceptions of criminality and illegality, exclusionary and generalised language, priority of state security over human rights, and the exercise of biopower.
- **No official data is collected on disabled asylum seekers in IRCs by the Home Office.** Without proof that someone exists, there is little justification or means to protect them.
- **The media has a complicated role** (a representative for activism AND oppression), but interestingly has the most potential as an advocate for protection considering the current legal and policy context.

RECOMMENDATIONS

- **More primary qualitative research is needed** to highlight safeguarding issues and disabled asylum seekers' perspectives within IRCs, ideally using an intersectional lens
- **The culture of disbelief within the hostile environment needs to be actively challenged and recognised,** specifically within policy and legally related spheres
- **(The lack of) data issue must be addressed** as a needed foundation of potential protection

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