



# A Pact That Excludes: Closing the Protection Gap for Migrants and Asylum Seekers with Disabilities in the European Union

February 2026

**Joint Policy Brief and Recommendations on the EU Asylum and Migration Pact**



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## Introduction

This joint policy paper provides an analysis of the inclusion of persons with disabilities in the EU Asylum and Migration Pact and recommendations to ensure disability inclusion and accessibility in the legal and policy framework of the EU and EU countries.

## The European Disability Forum

The European Disability Forum (EDF) is an independent NGO that represents the interests of 100 million Europeans with disabilities. EDF is a unique platform which brings together representative organisations of persons with disabilities from across Europe. EDF is run by persons with disabilities and their families. We are a strong, united voice of persons with disabilities in Europe.

## The International Refugee Assistance Project

The International Refugee Assistance Project (IRAP) integrates legal aid, strategic litigation, policy advocacy, media advocacy and legal information to uphold and advance the rights of people seeking safety around the world. Its European office, based in Germany, is dedicated to helping displaced people identify and access complementary pathways to safety in Europe. IRAP has a specialised Disability and Accessibility Program dedicated to working alongside experts from both the migrant rights and disability justice movements to leverage existing legal protections and expand legal protections for people with disabilities seeking safety.

## Acknowledgements

Thanks to all who participated in the drafting of this position paper, especially to Isabella Long, Fellow, Marine Uldry, Senior Policy Coordinator European Disability Forum, and Elham Youssefian, Director of Disability Inclusion and Accessibility, International Refugee Assistance Project. The paper has also been reviewed by the EDF Board and EDF expert group on asylum and migration, and Peter Varga, Legal Director, IRAP-Europe.

## Executive Summary

Migrants and asylum seekers with disabilities remain systematically excluded from protection, support, and integration systems across the European Union (EU), despite clear obligations under the EU Charter of Fundamental Rights, the UN Convention on the Rights of Persons with Disabilities (CRPD), and other international frameworks.

From inaccessible reception systems and discriminatory migration requirements to exclusion from national social welfare schemes, discrimination within the migration and asylum frameworks continues to undermine the rights of migrants and asylum seekers with disabilities and restricts their full participation in society.

This policy brief, jointly developed by the European Disability Forum (EDF) and the International Refugee Assistance Project (IRAP), identifies 5 key challenges that must be addressed to ensure that the EU's migration and asylum framework is disability-inclusive and compliant with human rights standards:

1. **Invisibility, lack of data, and limited participation** – Persons with disabilities are not recognised within EU migration policies. There is no systematic collection of disability-disaggregated data or meaningful involvement of persons with disabilities including refugees and migrants with disabilities and their representative organisations in policymaking.
2. **Inaccessible and discriminatory reception and screening systems** – Reception facilities, screening procedures, and accelerated border processes often exclude persons with disabilities due to inaccessibility, lack of reasonable accommodation, and inadequate identification of disability-related needs.
3. **Exclusion from social protection and risk of institutionalisation** – Migrants and asylum seekers with disabilities face persistent barriers to healthcare, income support, and disability services, and are often relegated to institutional settings instead of community-based support.
4. **Discriminatory maintenance and health requirements** – Family reunification and residence rules frequently penalise persons with disabilities by disregarding disability-related income or support, leading to indirect exclusion from legal migration routes.
5. **Discrimination in detention and return procedures** – Persons with disabilities are at particular risk of arbitrary detention,

inaccessible facilities, and forced return without proper assessment or safeguards, in violation of the CRPD.

To address these gaps, **EDF and IRAP recommend that the EU and its Member States:**

- **Embed disability inclusion** in the implementation of the EU Asylum and Migration Pact, and in the European Asylum and Migration Management Strategy, as well as in the preparation and implementation of national implementation plans, including through systematic data collection and participation of Organisations of Persons with Disabilities (OPDs) and migrant-led organisations.
- **Guarantee accessibility and reasonable accommodation** across all reception, screening, and asylum procedures, ensuring disability-sensitive vulnerability assessments and excluding persons with disabilities from accelerated border procedures.
- **Ensure equal access to mainstream social protection systems**, healthcare, and community-based support, regardless of residency status. This will aid in closing the gap between reception structures and national welfare systems, and between different statuses (applicants for international protection, refugees, beneficiaries of temporary protection, undocumented migrants).
- **Remove disability-based discrimination** from maintenance and family reunification requirements and recognise disability-related income and supports.
- **Prohibit the detention of persons with disabilities** in migration contexts and **ensure disability-sensitive safeguards in all return processes**.

This is essential as EU countries are currently drafting their **National Implementation Plans** of the EU Pact on Migration and Asylum. There are serious concerns that under the New Pact's expanded use of border and accelerated procedures, disability safeguards risk being diluted in practice, particularly for applicants with invisible, psychosocial, or newly acquired disabilities, where identification, reasonable accommodation, and access to specialised support depend on early and effective vulnerability assessments.

## Background and Rationale

### Legal and Policy Context

The European Union has developed a **common asylum and migration framework** covering rules on asylum, border management, and legal migration, as well as measures addressing irregular migration and return. This includes:

- **The Common European Asylum System (CEAS)**, comprising key laws such as the **Asylum Procedures Regulation, Qualification Regulation, Reception Conditions Directive**, and the **Resettlement Framework Regulation**, which set common standards for granting international protection.
- **The Schengen Borders Code** and related legislation on **border management**, supported by the European Border and Coast Guard Agency (Frontex).
- **Rules on legal migration**, including the **Blue Card Directive, Single Permit Directive**, and **Family Reunification Directive**.
- **Measures addressing irregular migration and return**, notably the Return Directive and the EU Action Plan against migrant smuggling.

The [EU Pact on Migration and Asylum](#) was adopted in 2024 as a comprehensive reform package for managing asylum and migration across Member States. It updates, replaces, and expands the CEAS. Full application of the Pact is set to start on **12 June 2026**, with Member States having to adopt their own national implementation plans.

In January 2026, the European Commission adopted a [European Asylum and Migration Management Strategy](#). It is a 5-year strategic framework on the implementation of the Pact with the objectives of “preventing illegal migration, protecting those in need and attracting talent to the EU.” The Strategy focuses on 5 priorities: migration diplomacy; control and security of EU borders; asylum and migration system; return and readmission; and, labour and talent mobility.

Within this framework, the EU is bound by legal obligations to protect and to include persons with disabilities, as set out in EU law and the **UN Convention on the Rights of Persons with Disabilities, which has been adopted by all EU Member States and the EU itself**.

At the international level, the CRPD establishes binding duties for the EU and all Member States to promote equality, accessibility, and inclusion for

persons with disabilities. It is based on a human rights model of disability, recognising persons with disabilities first and foremost as rights-holders. Key CRPD provisions directly relevant to migration include:

- Article 11, which requires States to **protect and ensure the safety of persons with disabilities in situations of risk**, including displacement and humanitarian emergencies.
- Article 14, which requires States to ensure the **liberty and security** of all persons with disabilities.
- Article 18, which **guarantees liberty of movement and nationality** on an equal basis with others, prohibiting disability discrimination in immigration proceedings that may be needed to facilitate exercise of the right to liberty of movement.
- Article 19, which guarantees the **right to live independently and be included in the community**, opposing institutionalisation as a default model of support.
- Article 28, which ensures **equal access to an adequate standard of living and to social protection mechanisms**, including healthcare and disability-related support.

In addition, the UN Committee on the Rights of Persons with Disabilities has consistently underscored that rights and protections under the Convention must extend to all persons with disabilities in situations of displacement, including refugees, asylum seekers, and migrants. In its August 2022 session addressing challenges faced by disabled Ukrainian refugees, the Committee reaffirmed that States Parties are obliged to uphold Articles 11 and 19 of the CRPD, ensuring safety, accessibility, and independent living regardless of migration or legal status. The Committee emphasized that humanitarian and migration responses must explicitly include refugees and asylum seekers with disabilities, including children with disabilities seeking protection within families, and that such protections cannot be conditional on nationality or crisis specific responses<sup>1</sup>. More broadly, persons with disabilities in displacement often face compounded risks linked to age, gender, and family status, reinforcing the need for systematic and universal inclusion across all migration and asylum policies rather than ad hoc or exceptional measures.

These obligations extend to EU migration policies, compelling the EU to ensure that migration and asylum systems are fully accessible, non-

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<sup>1</sup> The United Nations Office at Geneva, "Committee on the Rights of Persons with Disabilities Holds Meeting with States Parties on the Situation of Persons with Disabilities in Ukraine and in Countries Where They Fled Following the Russian Aggression | the United Nations Office at Geneva," The United Nations Office at Geneva, August 17, 2022, <https://www.ungeneva.org/en/news-media/meeting-summary/2022/08/le-comite-des-droits-des-personnes-handicapees-tient-une-reunion>.

discriminatory, and designed to enable community-based participation rather than segregation.

Within the EU's own legal order, the **EU Charter of Fundamental Rights** further anchors these principles. Article 21 prohibits discrimination on the grounds of disability, while Article 26 affirms the right of people with disabilities to measures promoting independence and social integration. The Charter's direct applicability to EU institutions and Member States when implementing EU law means that all migration and asylum policies, including border management, reception and conditions, and integration frameworks, must comply with equality and inclusion standards.

Complementing these legal commitments, the **European Accessibility Act (Directive 2019/882)** provides a regulatory framework for removing barriers to access across products and services. The Directive's scope includes digital platforms, information and communication technologies, transport interfaces, and other services. While it does not explicitly address migration or asylum procedures, its accessibility requirements become relevant through public procurement and the use of EU funds. Public authorities responsible for establishing and managing registration systems, reception centers, and communication tools are required, under Article 42 of the Public Procurement Directive and the accessibility requirements of the European Accessibility Act, to ensure that procured products, services, and facilities are accessible. In this way, the Act's accessibility standards can be indirectly but effectively applied to asylum and migration contexts, translating legal obligations into practical measures across Member States.

The implementation of the EU Pact on Migration and Asylum and of the European Asylum and Migration Management Strategy must therefore align with existing obligations under EU and international law, ensuring that disability inclusion is not treated as an optional component but as a legal and moral obligation embedded across all stages of migration management.

## Persistent Gaps

Despite this framework, there is a **systemic exclusion of migrants and asylum seekers with disabilities across EU member states**. This is part of a broader and widespread issue as refugee and migration systems do not align with the rights-based approach to disability, not only at the EU level but also at the international level and in other regions. These

systems adopt a medical/vulnerability approach and are often described as ableist.<sup>2</sup>

The EU Agency for Fundamental Rights (FRA) found in 2016 that identification procedures in EU Member States were inconsistent, accessible reception facilities are lacking, and data on disability among arrivals are missing entirely or are not systematically collected. The FRA highlights that EU and national asylum laws already list persons with disabilities among “vulnerable persons” under the Reception Conditions Directive and the Asylum Procedures Directive, but that implementation remains fragmented, with inadequate vulnerability assessments, inconsistent identification, and limited access to reasonable accommodations.<sup>3</sup>

Considering that this conclusion was reached prior to the much more restrictive New Pact, one can raise serious concerns that protections for persons with disabilities may further erode under accelerated border procedures.

The CRPD Committee has raised similar concerns about the discrimination and exclusions of migrants, asylum seekers, and refugees with disabilities in its review of the EU and of EU Member States. In March 2025, the Committee noted that “the Pact on Migration and Asylum does not sufficiently address the situation of persons with disabilities, and migration and asylum procedures subject persons with disabilities to purely medical-based assessments and do not contain clear procedures for conducting assessments”. It recommended the EU to:<sup>4</sup>

1. **Ensure that the implementation of the Pact on Migration and Asylum respects the rights of persons with disabilities** and aligns policies and standards among Member States to prevent detention, pushbacks, and denial of access to the territory of persons with disabilities in migration and international protection situations.
2. **Develop reception facilities for migrants with disabilities that do not entail their detention** and seek technical cooperation with the United Nations High Commissioner for Refugees to prevent detention in the context of migration.
3. **Ensure that disability assessment procedures are accessible to all persons with disabilities**, including autistic persons,

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<sup>2</sup> See [International Disability Alliance](#) (IDA) and the [UN Refugee Agency](#) (UNHCR), Background paper “[Exploring the intersectionality of International Refugee Law and the Convention on the Rights of Persons with Disabilities \(CRPD\)](#)” (2023).

<sup>3</sup> European Union Agency for Fundamental Rights, “Thematic Focus: Migrants with Disabilities,” European Union Agency for Fundamental Rights, August 18, 2016, <https://fra.europa.eu/en/content/thematic-focus-migrants-disabilities>.

<sup>4</sup> CRPD Committee, Concluding observations to the EU, 2025.

and align assessment procedures with the human rights model of disability and the right to freedom of movement.

4. **Provide guidance and standards for procedural and reasonable accommodation and for assessment procedures** for persons with disabilities in migration situations.
5. **Ensure that the implementation of the Pact on Migration and Asylum respects the rights of persons with disabilities** and aligns policies and standards among Member States to prevent detention, pushbacks, and denial of access to territory of persons with disabilities in migrant situations. Also increased risk of human trafficking of persons with disabilities needs to be highlighted.

The European Union Agency for Asylum (EUAA) echoed these shortfalls in identification, screening, and support: vulnerability screening is inconsistent, referral pathways are uneven across Member States, and asylum reception systems often lack accessible facilities and tailored support for people with disabilities. According to its 2024 report on Persons with Disabilities in Asylum and Reception Systems, most EU countries “do not collect or register data on vulnerabilities,” severely limiting the understanding and monitoring of applicants with disabilities across Member States<sup>5</sup>.

Vulnerability screening was found to remain inconsistent with many disabilities, particularly psychosocial and intellectual disabilities, “not identified immediately upon arrival” or at all in many Member States. Referral pathways and specialised services vary widely, and “services and information about the asylum procedure are not always easily accessible,”<sup>6</sup> including the lack of sign language interpretation and accessible formats for documents. Together, these findings reveal systemic fragmentation in how Member States identify, refer, and support applicants with disabilities, underscoring the EUAA’s call for standardised vulnerability identification procedures and operational indicators to strengthen consistency and accountability across the EU’s migration framework.

What constitutes disability, as well as the criteria used to define it, vary significantly across contexts. As a result, conditions recognised as disabilities in countries of origin may not correspond to the definition and assessment frameworks applied within the EU (and vice versa), and this divergence is even more pronounced in the case of non-visible disabilities.

There is concern that even under the current framework, required protections for persons with disabilities, such as robust vulnerability and

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<sup>5</sup> European Union Agency for Asylum, “Persons with Disabilities in Asylum and Reception,” EUAA, January 18, 2024, <https://euaa.europa.eu/publications/persons-disabilities-asylum-and-reception-systems>.

<sup>6</sup> Ibid

disability assessments under the Reception Conditions Directive, are not consistently implemented across Member States. Against this backdrop, the new Pact on Migration and Asylum risks further weakening protections by reducing the specificity and visibility of disability-related safeguards in border, screening, and accelerated procedures. This raises serious questions about whether persons with disabilities, including those with invisible, psychosocial, or newly acquired disabilities, will be effectively identified and exempted from accelerated processes in practice. The expansion of screening centres and accelerated procedures, including those applied automatically to certain nationalities, increases the risk that people with disabilities will be processed without adequate assessment, reasonable accommodation, accessible information, or meaningful opportunities to appeal.

Persons with disabilities face intensified risks during migration and displacement that are not adequately captured in current EU asylum and protection systems. Research on the intersection of disability and trafficking shows that persons with disabilities are targeted by traffickers because of heightened vulnerability, and trafficking itself can exacerbate existing impairments or result in new physical, cognitive, or psychosocial disabilities that remain unaddressed in protection and recovery processes. Person-specific vulnerabilities include heightened exposure to exploitation, forced labour, forced begging, and violence, all of which may cause long-term impairments such as physical injuries or trauma-related conditions<sup>7</sup>.

Similarly, international analyses highlight how humanitarian emergencies and unsafe transit conditions elevate risks of trafficking for persons with disabilities, particularly women and children who may be left behind or inadequately supported during evacuations and displacement<sup>8</sup>. These intersecting risks are compounded by the lack of robust vulnerability identification mechanisms at EU borders and in accelerated procedures envisaged under the new Pact, where limited screening may fail to detect visible and invisible disabilities. The result is a protective environment that intensifies exclusion and leaves migrants and asylum seekers with disabilities exposed to exploitation and with insufficient access to services tailored to complex needs.

This gap between formal or legal rights and operational reality of international protection systems on the ground highlights the urgent need for the European Asylum and Migration Management Strategy to embed

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<sup>7</sup> International Human Rights Clinic, Duke University School of Law, *Disability Rights and Trafficking in Persons: A Critical Intersection* (Durham, NC: Duke University School of Law, 2006), [https://law.duke.edu/sites/default/files/humanrights/260606-Duke\\_IHRC\\_Booklet-Final\\_Pages.pdf](https://law.duke.edu/sites/default/files/humanrights/260606-Duke_IHRC_Booklet-Final_Pages.pdf)

<sup>8</sup> Organization for Security and Co-operation in Europe (OSCE), *Invisible Victims: Persons with Disabilities and Trafficking in Human Beings* (Vienna: OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, 2023), <https://cthb.osce.org/sites/default/files/f/documents/c/7/568150.pdf>

disability inclusion as a core, systematically applied, and cross-cutting dimension, rather than an afterthought. Yet again, the newly adopted Strategy missed this opportunity, and it will be up to Member States to focus on disability inclusion in its implementation.

The EU's response to the displacement from Ukraine has shown that disability-inclusive protection is both possible and effective when there is political will and coordination. The swift activation of the Temporary Protection Directive and the inclusion of accessibility and disability support measures in national responses demonstrated the EU's capacity to operationalise inclusive policies.<sup>9</sup> This experience should serve as a model for extending equal rights, accessibility, and tailored support to all refugees, asylum seekers, and migrants with disabilities across the EU migration and asylum systems.

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<sup>9</sup> See, EUAA Displaced Ukrainians with Disabilities Seeking Temporary Protection in Europe, Situational update, Issue No 20, 18 January 2024: [https://euaa.europa.eu/sites/default/files/publications/2024-01/2023\\_displaced\\_ukrainians\\_disabilities\\_temporary\\_protection\\_EN.pdf](https://euaa.europa.eu/sites/default/files/publications/2024-01/2023_displaced_ukrainians_disabilities_temporary_protection_EN.pdf)

## Structural Gaps in the EU Migration and Asylum Pact

Although the EU Migration and Asylum Pact was adopted well after the CRPD ratification by the EU and all its Member States, it fails to protect the rights of persons with disabilities. On the contrary, this current framework and the failure of Member States to implement it in line with the EU Charter of Fundamental Rights and the CRPD, put asylum seekers, refugees, and migrants with disabilities at higher risk of exclusion, discrimination and abuse.

After a thorough analysis of the Pact from a disability inclusion perspective, EDF and IRAP identified 5 key gaps listed below:

1. Invisibility of persons with disabilities
2. Inaccessible and discriminatory reception and screening procedures
3. Exclusion from social protection and risks of institutionalisation
4. Economic eligibility and family reunification discrimination
5. Discrimination in detention and return procedures

Recommendations for the EU, Member States and civil society organisations, including organisations of persons with disabilities, are detailed in the last section.

### Invisibility of Persons with Disabilities

The [EU Pact on Migration and Asylum](#) and existing legislation, such as the [Screening Regulation](#) (2024/1356), the [Reception Conditions Directive](#) (2024/1346), the [Asylum Procedures Directive](#) (2013/32/EU) and the [Qualification Directive](#) (2011/95/EU) outline Member States' obligations to protect "vulnerable people."

However, the Pact itself makes **no reference to persons with disabilities**. It only mentions the need to support "children and vulnerable persons," with explicit reference to the UN Convention on the Rights of the Child, but none to the UN Convention on the Rights of Persons with Disabilities.

Despite its stated aim to harmonise procedures and strengthen solidarity mechanisms, the Pact's implementation framework continues to fall short of embedding disability inclusion across all phases of migration governance. It lacks clear provisions on accessibility, disability-sensitive screening, monitoring and oversight procedures, and ensuring individualised support for asylum seekers and migrants with disabilities. As a result, persons with disabilities remain systematically overlooked within border procedures, reception systems, and integration pathways. In addition, the Pact fails to consider disability in establishing persecution

as a requirement for recognising international protection, whereas persons with disabilities may be considered as part of “other social groups” in terms of accepted grounds for persecution.

Furthermore, the current Return Regulation and proposal for its revision fail to include disability-inclusive safeguards to ensure return to safety and dignity for migrants with disabilities.<sup>10</sup> This violates the obligations under Articles 21 and 26 of the EU Charter of Fundamental Rights and Articles 11, 18 and 19 of the CRPD.

Persons with disabilities are also entirely invisible in the newly adopted [European Asylum and Migration Management Strategy](#). The Strategy reaffirms a general commitment to respect fundamental rights “in accordance with the Charter and in full respect of our international obligations” but provides no explicit mechanisms or obligations ensuring those rights in practice. Disability-specific safeguards, such as accessibility, reasonable accommodation, or procedural support are absent.

Another testament to the invisibility of persons with disabilities in the Pact is the lack of reference to collecting and disaggregating data and reports on the reality and experiences of migrants with disabilities. The Pact mentions obligations related to vulnerable persons (including persons with disabilities)<sup>11</sup> but does not appear to impose explicit, binding requirements for systematic disaggregated data collection on migrants with disabilities.

Despite growing recognition of the rights of both migrants and persons with disabilities, there is a persistent lack of integrated data and reporting on the experiences of migrants who have disabilities, along with a lack of direct involvement of persons with disabilities who have lived experiences of migration and navigating the international protection system.

Most reports by the EU and by Member States address these populations separately: asylum seekers and refugees are discussed in the context of reception conditions, protection, and integration, while persons with disabilities are primarily discussed with respect to accessibility, social inclusion, and institutionalisation. Very few studies or monitoring frameworks systematically examine the intersection of migration and disability. As the FRA notes, “there is little information available on the situation of migrants and refugees with disabilities recently arrived in the EU,” and existing reception and asylum system data rarely disaggregate

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[https://www.europarl.europa.eu/RegData/docs\\_autres\\_institutions/commission\\_europeenne/com/2025/0101/COM\\_COM\(2025\)0101\\_EN.pdf](https://www.europarl.europa.eu/RegData/docs_autres_institutions/commission_europeenne/com/2025/0101/COM_COM(2025)0101_EN.pdf)

<sup>11</sup> Including through the amendment of the Eurodac Regulation.

by disability status.<sup>12</sup> This lack of robust, disaggregated data limits the ability of policymakers to identify risks, design inclusive interventions, or monitor compliance with relevant CRPD articles such as Article 31 on statistics and data collection and EU fundamental rights' obligations. Without evidence of the specific vulnerabilities, barriers, and support needs of disabled migrants, policies may inadvertently perpetuate exclusion, dependence on institutional care, or denial of basic rights.

## Inaccessible and Discriminatory Reception and Screening Procedures

As also alluded to in the EUAA report, structural exclusion begins at the earliest stages of migration. From the moment of arrival, persons with disabilities often face inaccessible screening procedures, lack of reasonable accommodation, and absence of trained personnel able to identify and respond to disability-related needs. This initial exclusion frequently leads to a cycle of invisibility and unmet needs throughout the asylum process, from registration to reception and long-term integration.

The **Screening Regulation** (2024/1356) sets requirements concerning screenings, including preliminary health and vulnerability checks "to identify persons in need of health care and persons that might pose a threat to public health, and to identify vulnerable persons." Persons with disabilities are, however, only explicitly mentioned in the recitals of the Regulation.<sup>13</sup> There is also **no clear guidance from the EU Asylum Agency on how vulnerability checks can be conducted to assess disability from a human rights-based approach**. The absence of standardised screening mechanisms leads to inconsistent protection and limited referral to specialised services, if at all.

It is important to note that the revised Regulation puts in place an accelerated procedure according to which the screening must be "completed within seven days from the apprehension in the external border area, the disembarkation in the territory of the Member State concerned or the presentation at the border crossing point." This very

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<sup>12</sup> European Union Agency for Fundamental Rights, "Thematic Focus: Migrants with Disabilities," European Union Agency for Fundamental Rights, August 18, 2016, <https://fra.europa.eu/en/content/thematic-focus-migrants-disabilities>.

<sup>13</sup> Recital (38) states that: "During the screening, all persons concerned should be guaranteed a standard of living complying with the Charter and have access to emergency health care and essential treatment of illnesses. Particular attention should be paid to individuals with vulnerabilities, such as pregnant women, elderly persons, single-parent families, persons with an immediately identifiable physical or mental disability, persons visibly having suffered psychological or physical trauma and unaccompanied minors. In particular, in the case of a minor, information should be provided in a child-friendly and age-appropriate manner. All the authorities involved in the performance of the tasks related to the screening should report any situation of vulnerabilities observed or reported to them, should respect human dignity and privacy, and should refrain from any discrimination."

short timeframe increases the risks that disability, especially less visible or invisible disabilities, will not be identified within that timeframe.

While the **Reception Conditions Directive** lists persons with disabilities as “applicants with special reception needs” under its article 12 there is again **no further requirement or guidance on what reception needs entail for migrants with disabilities**. The Directive does not establish any accessibility or reasonable accommodation requirements.

In reality, at the borders and in reception centres, inaccessible infrastructure and information gaps further exclude disabled asylum seekers. A 2017 Human Rights Watch report on Greece documents cases where “refugees and asylum seekers with disabilities are being overlooked and underserved,” residing in camps without ramps, accessible sanitation, or adapted services.<sup>14</sup> Such findings underscore the need for harmonised EU standards for disability assessment, reasonable accommodation, and accessible reception procedures across all Member States.

Effective communication, including linguistic and cultural mediation, is fundamental to understanding the needs of migrants and asylum seekers with disabilities and ensuring that processes for protection and integration are tailored appropriately. Communication must be fully accessible, including through the provision of sign language interpretation in the sign language spoken by the individual, providing information in accessible formats, and tools to develop new communication skills when needed<sup>15</sup>. Without these measures, persons with disabilities may struggle to navigate reception procedures, exercise their rights, or access necessary services, further compounding exclusion and vulnerability.

Equally critical is the standardisation and coordination of services within Member States. Services for migrants with disabilities are often scattered, fragmented, or poorly connected, leaving individuals uncertain about where to seek support<sup>16</sup>. Awareness-raising initiatives are essential to inform persons with disabilities of their rights and the local opportunities available to realise them. Without clear, accessible information, many may assume that support is unavailable, limiting their ability to access healthcare, social protection, education, or community-based services that are essential to their inclusion and well-being.

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<sup>14</sup> Human Rights Watch, “Greece: Refugees with Disabilities Overlooked, Underserved,” Human Rights Watch, January 18, 2017, <https://www.hrw.org/news/2017/01/18/greece-refugees-disabilities-overlooked-underserved>.

<sup>15</sup> EUAA, ‘4.11.3. Interpretation at the borders’ in Asylum Report 2023, May 2023. [4.11.3. Interpretation at the borders | European Union Agency for Asylum](#).

<sup>16</sup> European Association of Service Providers for Persons with Disabilities, “With the Financial Support from the European Union Programme for Employment and Social Innovation ‘EaSI’ (2014-2020) Refugees and Migrants with Disabilities: Ensuring Access to Quality Support,” October 18, 2025, [https://easpd.eu/fileadmin/user\\_upload/Publications/EASPD\\_-\\_Position\\_Paper\\_on\\_Migrants\\_with\\_Disabilities\\_DEC2020.pdf](https://easpd.eu/fileadmin/user_upload/Publications/EASPD_-_Position_Paper_on_Migrants_with_Disabilities_DEC2020.pdf).

## Exclusion from Social Protection and Risk of Institutionalisation

Even when asylum seekers or migrants with disabilities navigate the reception system successfully, they often face exclusion from mainstream social welfare programs. Many national welfare and healthcare schemes restrict eligibility to permanent residents or citizens, effectively excluding asylum seekers and migrants with disabilities from essential services such as healthcare, disability benefits, and social protection. This creates a “support gap” that leaves individuals vulnerable to poverty, homelessness, or institutionalisation once reception-specific supports end.

Evidence from Sweden illustrates this dynamic. The project Disabled Refugees Welcome found that there is a “lack of accessible and coherent information and services,” and that many migrants with disabilities lose access to assistance after leaving asylum facilities<sup>17</sup>. This exclusion not only undermines integration but also violates Article 28 of the CRPD, which guarantees an adequate standard of living and social protection for all people with disabilities.

We examined six EU Member States (Belgium, France, Germany, Italy, the Netherlands, and Sweden) to illustrate the diversity of approaches, and found that in some cases, the support is not available to migrants with disabilities seeking to access disability-related benefits or assistance based on their residency status. For example, in France, the Netherlands and Italy, official social security agencies require residence for full entitlement to many disability benefits and services. This creates a consistent support gap for those who do not yet meet the residence or insurance threshold.

The table below summarises whether access to disability cash benefits or support services depends on residency status:

Country	Residency status required for disability cash/assistance
Belgium	<b>No</b> , residency is not required for disability benefits and migrants are eligible regardless of official residency permit. <sup>18</sup>
France	<b>Yes (residence condition)</b> . Allowance for Disabled Adults (“AAH”) requires residence in France for 3 months (longer

<sup>17</sup> Sooz, “DRW’s Observations on the Situation of Disabled Asylum Seekers in Sweden,” Disabled Refugees Welcome, March 1, 2019, <https://disabledrefugeeswelcome.se/en/2019/03/english-drws-observations-on-the-situation-of-disabled-asylum-seekers-in-sweden/>.

<sup>18</sup> Federal Public Service Social Security, “Everything You Have Always Wanted to Know about Social Security,” January 2024, <https://socialsecurity.belgium.be/sites/default/files/content/docs/en/publications/everything-social-security-en.pdf>.

	conditions for non-EU nationals include regular residence or valid stay). <sup>19</sup>
Germany	<b>No</b> , residency is not a requirement to obtain disability cash assistance programs. Note that Germany does not have a disability assistance scheme. <sup>20</sup>
Italy	<b>Yes</b> , INPS disability pensions and allowances are administered by INPS; applications are possible for Italian and foreign citizens, but non-EU applicants must have a residence permit of at least one year. <sup>21</sup>
Netherlands	<b>Status-dependent.</b> Disability support in NL is delivered through different schemes (social insurance / municipal supports); eligibility and scope depend on insurance/registration/status. NL does not have a disability insurance scheme. <sup>22</sup>
Sweden	<b>No.</b> Swedish social insurance requires that you are <i>insured/live in Sweden</i> for many disability benefits; however, this definition does not exclude migrants. <sup>23</sup>

## Economic Eligibility Barriers and Discrimination in Equal Access to Family Reunification

In parallel to the asylum system, the procedure for legal migration, including family reunification, also very often indirectly discriminates against persons with disabilities. Many EU Member States require sponsors or applicants to demonstrate stable, sufficient income and adequate housing as part of family reunification and certain residence procedures.

While family reunification is considered mostly outside of the scope of the EU Migration and Asylum Pact, and is regulated primarily by the EU

<sup>19</sup> Directorate for Legal and Administrative Information, "Disabled Adult Allowance (DAA)," Gouv.fr, April 1, 2025, <https://www.service-public.gouv.fr/particuliers/vosdroits/F12242/personnalisation/resultat?lang=en&quest0=2&quest1=0&quest=>

<sup>20</sup> Haydn Hammersley, "Report: Social Protection Schemes for Persons with Disabilities across Europe - European Disability Forum," European Disability Forum, March 10, 2023, <https://www.edf-feph.org/report-social-protection-schemes-for-persons-with-disabilities-across-europe/>.

<sup>21</sup> INPS, "Domanda Invalidità Civile E Accertamento Sanitario," Sito ufficiale di INPS (Istituto Nazionale Previdenza Sociale), April 3, 2017, <https://www.inps.it/it/it/dettaglio-scheda.it.schede-servizio-strumento.schede-servizi.domanda-invalidita-civile-e-accertamento-sanitario-50004.accertamento-sanitario.html>.

<sup>22</sup> Haydn Hammersley, "Report: Social Protection Schemes for Persons with Disabilities across Europe - European Disability Forum," European Disability Forum, March 10, 2023, <https://www.edf-feph.org/report-social-protection-schemes-for-persons-with-disabilities-across-europe/>.

<sup>23</sup> Försäkringskassan, "Additional Cost Allowance for Adults," Försäkringskassan.se, May 7, 2025, <https://www.forsakringskassan.se/english/disability/additional-cost-allowance-for-adults>.

Family Reunification Directive (2003/86/EC), family reunification opportunities are especially important for migrants with disabilities as they often rely on close family members as support persons of their choice to ensure their autonomy and dignity. Access to personal assistants who are often close family members is essential to exercise the right to live independently and be included in the community, as enshrined in Article 19 of the CRPD. The ability to choose where, how, and with whom to live also includes the possibility of maintaining family life and receiving necessary support from one’s support network.

According to the EU Family Reunification Directive, maintenance requirements are intended to ensure that the sponsor (or applicant) will not become dependent on the social security system. In practice, however, EU Member States have adopted three different approaches to addressing disability in these requirements:

- Some countries explicitly treat disability or disability benefits as eligible income for the sponsor.
- A few countries provide explicit waivers or “special grounds” exemptions for persons with permanent disabilities.
- Most countries do not have a clear, disability-sensitive rule, leaving decisions to discretionary practice where supported-employment incomes or benefits may be excluded or undervalued.

Again, looking at 6 EU Member States, we found that:

- Maintenance requirements are common across Member States, and are applied in the family reunification procedures.
- Explicit, statutory disability exemptions are rare. Sweden and Belgium provide the clearest official textual example of a “special grounds” exemption for permanently reduced work capacity. The Netherlands and some others contain administrative exemptions or discretionary routes that may be applied in disability cases, but are not framed as universal statutory social income exemptions.

The table below looks at the situation in Belgium, France, Germany, Italy, Netherlands, and Sweden.

<b>Country</b>	<b>Maintenance/income requirement</b>	<b>Explicit mention of disability as an exemption/special ground</b>
Belgium	<b>Yes.</b> Sponsors must demonstrate “stable, regular and adequate means of subsistence” for family	<b>Functional recognition of disability income.</b> Official Belgian guidance explicitly states that some disability

	reunification, official Immigration Office guidance sets conditions.	benefits (income-replacement, integration allowance) <b>are considered</b> in assessing sponsors' means, i.e., disability benefits can be counted as qualifying income. <sup>24</sup>
France	<b>Yes (subject to conditions).</b> Family reunification and some residence statuses require proof of resources/health cover; official Service-Public guidance lists resource conditions and exceptions. <sup>25</sup>	<b>Targeted provisions.</b> Official guidance notes that recipients of Allowance for Disabled Adults ("AAH") or the Supplementary Disability Allowance (Asi) are exempt from certain resource conditions or means test for family reunification (explicit official note). <sup>26</sup>
Germany	<b>Yes.</b> Under the Residence Act (Aufenthaltsgesetz, Section 27, subsections 2–3), family reunification can be denied if the sponsor does not meet specific requirements, particularly if <b>subsistence is not secure</b> . Public funds, such as basic income or social welfare, may be treated as insufficient to meet the income requirement. <sup>27</sup>	<b>No explicit general statutory disability exemption</b> in BAMF family reunification guidance; refugee/special circumstance rules can apply but not a broad disability clause. <sup>28</sup>
Italy	<b>Yes.</b> Official family reunification (ricongiungimento) rules require minimum income and adequate housing in many cases; some dependent categories (e.g., adult children	<b>Targeted (dependency exceptions).</b> Official guidance contains no explicit clarifications or provisions related to disability exemptions or considerations for disability assistance to serve as

<sup>24</sup> IBZ, "Stable, Regular and Adequate Means of Subsistence | IBZ," Dofi.ibz.be, July 18, 2025, <https://dofi.ibz.be/en/stable-regular-and-adequate-means-subsistence>.

<sup>25</sup> Directorate for Legal and Administrative Information, "Regroupement Familial," Gouv.fr, November 1, 2024, <https://www.service-public.gouv.fr/particuliers/vosdroits/F11166?>.

<sup>26</sup> Ibid

<sup>27</sup> Janne Grote, "Family Reunification of Third-Country Nationals in Germany," 2017, [https://www.bamf.de/SharedDocs/Anlagen/EN/EMN/Studien/wp73-emn-familiennachzug-drittstaatsangehoerige-deutschland.pdf?\\_\\_blob=publicationFile&v=16%2F1000&](https://www.bamf.de/SharedDocs/Anlagen/EN/EMN/Studien/wp73-emn-familiennachzug-drittstaatsangehoerige-deutschland.pdf?__blob=publicationFile&v=16%2F1000&).

<sup>28</sup> Ibid

	with serious health difficulties) are specifically provided for. <sup>29</sup>	income. <sup>30</sup> The only provision mentions that income must be "legitimate". <sup>31</sup>
Netherlands	<b>Yes.</b> Income requirement (independent, sustainable, sufficient income) for many residency permits and family routes; residence and family reunification applicants must demonstrate independent, sustainable, and sufficient income. This requirement has specific barriers for people with disabilities.	<b>Conditional.</b> Income derived from benefits considered "public funds," such as disability allowances under the Wajong Act (Disablement Assistance Act for Handicapped Young Persons), does not count toward the income threshold. The IND specifies that qualifying income must be taxable and based on paid work or private funds, excluding state assistance. While exemptions exist for those "fully and permanently unable to work," this standard is narrow and does not apply to those in supported employment or with partial work capacity. <sup>32</sup>
Sweden	<b>Yes.</b> Maintenance requirements for many permits and family reunification; assessed against set amounts and housing standards.	<b>Yes.</b> Official guidance states " <i>special grounds exist, for example, that you have permanently reduced working capacity due to an illness or disability</i> " (explicit special-grounds clause). <sup>33</sup>

<sup>29</sup> Ministero Dell'Interno, "FONDO ASILO, MIGRAZIONE E INTEGRAZIONE 2014-2020. Obiettivo Specifico 2 Integrazione/Migrazione Legale -Obiettivo Nazionale 3 Capacity Building PROG -3844 POSTER - POTENZIAMENTO SERVIZI TERRITORIALI per IL DIALOGO INTERCULTURALE INFORMATION One Can Get Informations about Family Reunification through the Following Ways," accessed November 13, 2025, [https://prefettura.interno.gov.it/sites/default/files/98/2023-12/family\\_reunification.pdf](https://prefettura.interno.gov.it/sites/default/files/98/2023-12/family_reunification.pdf).

<sup>30</sup> Migration and Home Affairs, "Family Member in Italy," Migration and Home Affairs, April 1, 2021, [https://home-affairs.ec.europa.eu/policies/migration-and-asylum/eu-immigration-portal/family-member-italy\\_en](https://home-affairs.ec.europa.eu/policies/migration-and-asylum/eu-immigration-portal/family-member-italy_en).

<sup>31</sup> Ministero Dell'Interno, "FONDO ASILO, MIGRAZIONE E INTEGRAZIONE 2014-2020. Obiettivo Specifico 2 Integrazione/Migrazione Legale -Obiettivo Nazionale 3 Capacity Building PROG -3844 POSTER - POTENZIAMENTO SERVIZI TERRITORIALI per IL DIALOGO INTERCULTURALE INFORMATION One Can Get Informations about Family Reunification through the Following Ways," accessed November 13, 2025, [https://prefettura.interno.gov.it/sites/default/files/98/2023-12/family\\_reunification.pdf](https://prefettura.interno.gov.it/sites/default/files/98/2023-12/family_reunification.pdf).

<sup>32</sup> Immigratie- en Naturalisatiedienst, "Income Requirements: Independent, Sustainable and Sufficient Income | IND," Ind.nl, 2025, <https://ind.nl/en/independent-sustainable-and-sufficient-income>.

<sup>33</sup> Migrationsverket, "Maintenance Requirement for the Person in Sweden – Swedish Migration Agency," Migrationsverket.se, 2025, <https://www.migrationsverket.se/en/word-explanations/maintenance-requirement-for-the-person-in-sweden.html>.

## Higher Risk of Violations in Detention and During Forced Return

Persons with disabilities are particularly at risk of having their rights violated in detention and during forced return procedures. As noted above, the CRPD Committee called on the EU to end all detention of migrants and asylum seekers with disabilities, as this violated their rights of liberty and security under Article 14 of the CRPD.

Detention of migrants and asylum seekers is regulated primarily by the **Return Directive** (2008) and, for those seeking asylum, by the **Reception Conditions Directive** (2024). Both instruments include safeguards to ensure necessity, proportionality, judicial review and respect for human dignity. In practice, however, procedural safeguards are inconsistently applied, and disability-specific assessments are rarely conducted. Detention decisions often rely on standardised risk categories (such as risk of absconding) without considering the barriers persons with disabilities face in understanding or complying with procedures. Many detention centres remain physically inaccessible and lack access to medical care, assistive devices, or personal assistance. The **screening process preceding detention**, introduced by the new **Screening Regulation** (2024), does not contain binding requirements to identify or accommodate persons with disabilities. Consequently, migrants and asylum seekers with disabilities may be detained arbitrarily or in degrading conditions.

Persons with disabilities also face discrimination within return procedures. First, disability is often not recognised as a factor that may expose an individual to serious risk or inhuman and degrading treatment upon return to their country of origin, contrary to the principle of non-refoulement.<sup>34</sup> Second, authorities frequently fail to provide accessible information, procedural accommodations, and individualised support throughout the return process, preventing persons with disabilities from effectively exercising their rights or challenging return decisions. Again, disability or even vulnerability are not mentioned at all in the Return Directive.

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<sup>34</sup> Under international and European law, the principle of non-refoulement prohibits States from transferring, expelling, or returning (“refouler”) a person to a country where they would face a real risk of persecution, torture, inhuman or degrading treatment, or other serious harm. It is enshrined in Article 33(1) of the 1951 Refugee Convention, forms part of customary international law, and is reinforced by Article 3 of the European Convention on Human Rights (ECHR) and Articles 18 and 19(2) of the EU Charter of Fundamental Rights.

## Recommendations

To ensure that the implementation of the EU Pact on Migration and Asylum upholds the rights of persons with disabilities and complies with EU obligations under the UN Convention on the Rights of Persons with Disabilities, the following actions are proposed.

They are organised around the five key challenges described above and targeted at EU institutions, Member States, and civil society organisations, including organisations of persons with disabilities and organisations lead by refugees and migrants.

### 1. Invisibility, lack of data, and limited participation of persons with disabilities

#### Challenges

Persons with disabilities remain largely invisible in EU migration and asylum policies. The Pact makes no reference to disability or to the CRPD. There is no systematic collection of disability-disaggregated data, nor meaningful participation of OPDs and migrants with disabilities in policy design, implementation, and monitoring.

#### Recommendations

##### For the EU:

- Explicitly integrate disability inclusion across all migration and asylum legislation and within the implementation of the European Asylum and Migration Management Strategy.
- Establish mandatory disability-disaggregated data collection and reporting requirements, in line with Article 31 of the CRPD.
- Mandate EU agencies (EUAA, Frontex, Eurostat) to develop operational indicators and publish regular reports on migrants and asylum seekers with disabilities.
- Ensure systematic consultation with representative organisations of persons with disabilities and migrant-led organisations in all relevant policy processes.
- Fund research and participation mechanisms to improve data, visibility, and representation.

### **For Member States:**

- Mainstream disability in national implementation plans of the Pact and establish focal points on disability inclusion within migration and asylum authorities.
- Integrate data on disability into national asylum, reception, and integration systems, ensuring alignment with EU and CRPD standards.
- Include OPDs and refugee-led organisations in monitoring committees and consultations on national migration policies.

### **For Civil Society and OPDs:**

- Ensure inclusion of migrants and asylum seekers with disabilities in organisational vision, mission, priorities, and plans.
- Advocate for disability inclusion in the national implementation plans, and all policies related to asylum and migration, and mainstream the rights of asylum seekers, refugees and migrants with disabilities within disability policies.
- Collect evidence and testimonies from migrants and asylum seekers with disabilities to inform advocacy and policy development.
- Build alliances between disability and refugee organisations to strengthen joint monitoring, awareness, and representation at EU and national levels.
- Support asylum seekers and migrants with disabilities in establishing their representative organisations to ensure their equal and meaningful participation.

## **2. Inaccessible and discriminatory reception and screening systems**

### **Challenges**

Reception centres, screening procedures, and accelerated border processes often remain inaccessible and fail to identify persons with disabilities early, particularly those with invisible, intellectual, or psychosocial disabilities.

### **Recommendations**

#### **For the EU:**

- Amend or supplement the Screening and Reception Regulations to include binding accessibility and reasonable accommodation requirements.

- Require the EU Asylum Agency to issue guidance on disability-sensitive vulnerability assessments and procedures.
- Use EU funds to improve accessibility and train frontline staff in disability inclusion.

**For Member States:**

- Standardise disability identification and referral procedures, ensuring assessments are based on the human rights model of disability in line with the CRPD.
- Provide training for reception officers and service providers on disability rights, assessment, and cultural sensitivity, with particular attention to invisible disabilities and differing cultural perceptions of disability among asylum seekers and refugees.
- Guarantee accessibility and reasonable accommodation throughout asylum, screening, and reception stages.
- Exempt persons with disabilities from accelerated border procedures where their needs cannot be fully assessed and addressed.

**For Civil Society and OPDs:**

- Train reception and border personnel on disability awareness and inclusive communication.
- Partner with authorities to develop accessible information materials and communication tools.

### 3. Exclusion from social protection and risk of institutionalisation

#### Challenges

Migrants and asylum seekers with disabilities often lose access to essential services once outside reception systems. Many social protection and healthcare schemes are limited to residents or citizens, leading to exclusion, poverty, and reliance on institutional care.

#### Recommendations

**For the EU:**

- Promote inclusive access to healthcare, income support, and disability services for all migrants and asylum seekers, regardless of residency status, in line with CRPD Article 28.
- Establish an EU-level mechanism to monitor and address social protection gaps for migrants with disabilities.

- Prioritise funding for community-based support services through EU Funds.

**For Member States:**

- Remove residence-based restrictions from national disability and social protection schemes.
- Include migrants and refugees with disabilities in deinstitutionalisation strategies.
- Facilitate access to mainstream community-based supports, on equal basis with citizens.

**For Civil Society and OPDs:**

- Advocate for inclusive and accessible social protection policies.
- Develop and share community-based integration models promoting independent living and inclusion.

## 4. Economic Eligibility Barriers and Discrimination in Equal Access to Family Reunification

### Challenges

Income and maintenance requirements in migration and family reunification procedures often indirectly exclude persons with disabilities. Disability-related benefits or supported employment income are frequently not recognised, and disability-sensitive exemptions are rare.

### Recommendations

**For the EU:**

- Review and revise the *Family Reunification Directive* to include disability-sensitive exemptions from maintenance requirements.
- Issue guidance ensuring that disability-related income, benefits, and supported employment are considered valid for residence and family reunification.

**For Member States:**

- Introduce statutory exemptions or “special grounds” for persons with disabilities in income and health requirements.
- Ensure decisions on family reunification take into account disability-related support needs and the role of family members as support persons of choice in the realisation of independent living for persons with disabilities.

### **For Civil Society and OPDs:**

- Monitor and document cases of indirect discrimination in family reunification and residence procedures.
- Prioritise family reunification legal services for persons with disabilities to advance their access to personal assistance of their choice.
- Provide legal support and training to applicants and advocates to challenge discriminatory decisions.

## **5. Discrimination in detention and return procedures**

### **Challenges**

Persons with disabilities are at particular risk of arbitrary detention, inaccessible facilities, and forced return without adequate assessment or safeguards. Disability is rarely recognised as a protection factor in return procedures.

### **Recommendations**

#### **For the EU:**

- Prohibit the detention of persons with disabilities in migration contexts, in line with Article 14 of the CRPD.
- Require disability assessments and procedural safeguards in all return procedures, recognising disability as a factor in non-refoulement evaluations.
- Set binding accessibility and reasonable accommodation standards in all detention and return facilities.

#### **For Member States:**

- Prevent detention in the context of migration and ensure that return decisions comply with CRPD obligations.
- Guarantee accessible information, procedural accommodation, and medical or psychosocial support for detained migrants and asylum seekers.

#### **For Civil Society and OPDs:**

- Monitor detention and return practices and report violations to national and international monitoring bodies.
- Provide legal, social, and advocacy support to persons with disabilities facing detention or forced return.

## Conclusion

A truly inclusive European migration and asylum policy must strategically include multiple dimensions that encapsulate all structures and systems that migrants and asylum seekers with disabilities will encounter across the cycle of their migration trajectories. Specifically, this must include initial reception, identification, healthcare, social benefit access, and inclusion. It must also dismantle the social, economic, and legal structures that perpetuate exclusion for migrants with disabilities. This includes identifying and removing barriers in national social protection systems, aligning maintenance, family reunification, and residency requirements with disability realities, and expanding community-based support alternatives to stimulate social integration. Detention procedures must be abolished, and return procedures must include strong safeguards to protect fundamental rights.

Ensuring disability inclusion within the Pact for Migration is not merely a matter of legal compliance with the CRPD, the EU Charter of Fundamental Rights, or related equality directives; it is also a strategic investment in social cohesion, equality, and the foundational values of the European Union.



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