

## **Disability and Forced Migration: Critical Intersectionalities**

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The vast majority of the world's displaced people are hosted in the global South, in the poorest countries in the world. This is also a space with the highest numbers of disabled people, many of who live in extreme and chronic poverty. This poverty, alongside deprivation, wars, conflict, and environmental disasters is what drives people to flee, in search of security. This includes disabled people. In spite of this, this population (disabled forced migrants) continues to be cast in a shadow, of epistemological, ontological and practical invisibility. It is hardly theorised in forced migration studies and rarely contemplated in humanitarian intervention. The lives of disabled forced migrants are cast aside in a Eurocentric disability studies that remains global North-centric and focused, while Southern contexts and histories and the geopolitics that envelope them, are forgotten or never known. Migration theory grows without the disabled person, disability studies without the migrant, and practice without the disabled migrant. In this paper, we explore the disability/forced migration nexus with a view to understanding some of the critical intersectionalities that emerge, and their implications for theory and practice. We trace elements of the forced migration trajectory, from exodus, to crossing international borders, to life in protracted refugee camps, the use of networks and smugglers, to those related to national and human security. We argue that forced migration studies, as well as humanitarian practice continue to be premised on and adopting an ableist approach focused on heteronormative productive bodies, while disability studies, with a corpus of work premised on an assumption of citizenship, has failed to critically engage with issues of sovereignty, borders and bodies that lie beyond the protection of the Nation State. In this paper, we also question and contest dominant and hegemonic frames that are historically contextualized, alongside discourses and structures that not only produce forced migration, but also serve to perpetuate the global divide and inequalities. We conclude by calling for a critical interrogation of theoretical perspectives in both forced migration and disability studies, in policy and humanitarian action, and to work towards a praxis geared towards social justice for disabled forced migrants.

**Keywords:** disability; critical forced migration; asylum; citizenship; borders

### **Introduction**

The year 2014 witnessed the forced displacement of millions of individuals. With the ongoing crisis in Syria, 2015 has been described as the 'greatest humanitarian crisis' of contemporary

times (Guterres, 2015). Every day, huge numbers people are pushed to flee their homes as a result of persecution, conflict, and generalised violence or human rights violations. These are collective and yet unique trajectories marked by fear, violence, death and untold tragedies: such is the lot of the forced migrant. It is a reality that is spatially specific: the top ten source countries of UNHCR mandated refugees are all located in the global South, half of them in sub-Saharan Africa (UNHCR, 2014). Beyond the human experience, it is a reality that not only impacts, but is also impacted by the countries they flee from, those they transit to, and/or settle in, and those they may never reach. In a globalised world, these countries too are changing, engaged in a constant dialectical process of (re)negotiations, where histories are rediscovered and reframed, and where futures are fluidly being (re)constructed. While many borders strengthen, and many nation states become fortresses, at least in policy, one can safely say that this human movement is not going to diminish or stop any time soon. It is set to grow as wars are waged, conflicts escalate, infrastructure breaks down, economies weaken, and livelihoods and personal security are threatened.

Despite the growing numbers, though, these populations are too often unheard as they move or settle, their rights and voices subjugated. Critically, they are too frequently homogenised with little or no alertness to context, culture, religion, gender, but especially dis/ability. Indeed, one would expect to find substantial numbers of disabled people among these populations, not only on account of the fact that many flee wars, and wars are a source of impairment, but simply because of the sheer numbers of disabled people in every single country. Guesstimates such as those offered by the World Health Organization (WHO) suggest that that 15% of the world's population are disabled people (WHO and World Bank, 2011). One can therefore speculate that around 3.5 to 5 million of those who are displaced, may well be disabled people. Given the nature of forced migration, however, where persons are forced to flee from war, conflict, 'development' and natural disaster, the number is more than likely significantly higher than the numbers reported. For example a recent study stated that 22% of surveyed Syrian refugees had an impairment, with 6% claimed to have a severe impairment (HelpAge International & Handicap International, 2014). In practice, displaced persons may have lived with their disability all their lives; impairments may also be a direct result of environmental and structural factors including poverty; others will have become disabled as a result of war, violence, conflict, natural disasters, and unhealthy and unsafe living and working conditions among others. Many others still, become disabled in the migratory journey, experiencing a change of dis/ability status and identity alongside multiple (re)negotiations as they transit across space and time. Disabled people therefore migrate too, while others will become disabled people as they journey, and many others are left behind, unable to flee, stripped of family and support, a poverty transitioning, survival compromised.

The implication is that the theorising of migration and any contemplation of policy and practice cannot do without serious consideration of these bodies and lives. It leaves a policy vacuum, needs are unattended to, and theory remains undeveloped and perhaps disembodied. Despite the scale of forced human movement, the reality is that disability and forced migration are rarely put together, in policy, research and practice. They are two parts of a different equation by those theorising and those working in practice, whether in humanitarian issues, development, international relations, politics and even disability studies. The connections have only infrequently been made with the implication that those working in migration remain unaware of and uneducated in disability; and those working in disability, remain uninformed about and uneducated in migration. Research on disability and forced

migration remains embryonic, theory is scarce, perhaps reflecting an ableist view of migrating bodies in migration studies, and a persistent global North/Eurocentric disability studies in alert to migrant disabled people (see Grech, 2011). Indeed, the little research that does exist (see for example WRC, 2008; Berghs, 2012) has emerged from peripheral spaces.

This paper responds to this disjuncture, and attempts to bring disability and forced migration closer together under a critical lens to explore points of contact, intersections, and gaps as we work towards a migration studies that is critical, interdisciplinary, alert to and informed also by disability- *a critical migration studies*. Informed by critical approaches to the study of disability, including critical disability studies and postcolonial theory, we seek to question, expose and understand domination and the oppressive structures experienced by forced disabled migrants, in support of a broader project of praxis and social transformation (Habermas, 1993). We look to frame the study of disability and forced migration within broader global historical, political, economic and social structures and processes, as we ask a range of questions. This chapter does not claim to provide a comprehensive account of disability and forced migration, nor does it seek to do so. Rather, it marks a humble attempt to stimulate further debate on disability and forced migration – an issue that urgently deserves theoretical engagement, a critical interrogation of humanitarian intervention and practice, and legal and policy change in order to ensure the right to rights and social justice for disabled forced migrants.

### **Framing Forced Migration**

Any attempts at understanding what this deceptive term might mean, have often been based on distinctions between forced and voluntary migration, especially by those in power. The former is often associated with refugees, war and persecution, whilst voluntary migration is linked with economic migration. Such a dichotomy—volition and coercion- is problematic (Crisp, 2008). The fine line between fleeing one's home in search of safety and the means of subsistence, we contend, is inherently blurred and complex, because human security must necessarily incorporate socio-economic threats, and not be limited to violence and persecution. Indeed in this regard and by no stretch of the imagination, to be disabled, and living in extreme poverty in parts of the global South, with little or no access to health care and rehabilitation, fragmented or no safety nets, and constrained family support, constitutes a very serious threat to security and survival (see for example Grech, 2015). Indeed, if there is one population existing at the junctures of a poverty that is violent, one that kills, it is disabled people, and survival in scarcity, pain and ill-health triggers flight- it always has, it always will. Forced migration therefore needs to be (re)negotiated and reframed because it occurs along a spectrum, because each individual is complex and multifaceted, and because each person is in turn motivated and constrained by a complex mix of structural forces that shift over time and space (Betts, 2009:2).

For the purpose of this paper, forced migration is understood as the movement of individuals resulting from an existential threat (that may include social, economic, political, cultural, ideological and religious dimensions) and which includes, among others, persons displaced as a result of war, persecution, conflict, poverty, famine, natural disasters, ill-health and disability or environmental disasters. As such, this definition includes, but is not limited to, those persons labeled as refugees<sup>1</sup>, as well as internally displaced people (IDPs)<sup>2</sup> (see also

Betts, 2009; IASFM, 2014). A note of caution is however warranted. As will be addressed later, these very labels and categories are far from problematic, revealing the ‘political in the apolitical’ (Zetter, 2007:188-189).

*Neoliberal globalisation: dividing and displacing*

Framing and understanding forced migration is not possible without understanding what triggers it, because it does not happen in a vacuum, and because it is not stationary. On the contrary, forced migration is historical, contextual, political and politicised. An understanding of the experiences of displaced disabled people in the global South must in fact be positioned within neoliberal globalisation and global processes of change (Castles, 2003). With the onus on economic growth, and only meager attention to human dimensions and impacts such as inequality and impoverishment, the neoliberal framework has proven to be detrimental to poor people’s rights and livelihoods in the global South, in particular to disabled people (Grech, 2011). While exact numbers are unavailable, an estimated 20 per cent of the world’s poorest are said to be disabled people (WHO & World Bank, 2011), especially those residing in rural areas. The relationship between disability and poverty has been reasonably acknowledged as a mutually reinforcing cycle in popular ‘disability and development’ discourse (see Groce et al., 2011). Poor people are said to be increasingly vulnerable to impairments on account of unhealthy and unsafe living and working conditions, environmental disasters, inaccessible or absent health care, low levels of education, unsafe transportation and infrastructure among other reasons. In turn, disabled people encounter stronger barriers, including in health and rehabilitation and education, and as a result experience more intense and chronic poverty. But while this relationship has often been mentioned, it not only has been seldom theorised (Grech, 2015), but geopolitical and historical factors and asymmetries that trigger poverty in the first place, have hardly been engaged with by those looking at disability in the global South (Grech, 2011). This includes neoliberal globalization, too often framed as the object and trajectory of ‘development’, a neoliberal globalisation rooted in capitalism and that has its roots in colonialism and the Atlantic trade. Grech (2011) goes on to argue how while many are keen to include disability and development, these same lobbyists rarely question ‘development’, or rather what it is that we want to include disability in, and how this ‘development’ may impact disabled people. Indeed environmental destruction, conflict, impairment (e.g. river blindness), and also displacement are now common collateral damage of neoliberal globalization packaged in indiscriminate one-size fit all development impositions such as Structural Adjustment Programs (SAPs).

The geopolitical and historical relationships between the global North and South, and the mechanisms of unequal development and social inequalities (between and within countries), continue to generate the structural conditions propelling people to flee their homes. Poverty, the growing disparity between the haves and the have-nots, and the breaking down of community make for fragile and unstable states, many of which are associated with corrupt regimes, human rights abuses and the repression and persecution of minority groups. Paradoxically, though, but by no coincidence, for reasons that will be unpacked below, such states often also host a disproportionate number of displaced people (Castles, Loughna and Crawley, 2003; Van Hear, 2011).

Among those who are displaced are also those who are disabled, those who in the heteronormative ableist productive individualist neoliberal framework guiding ‘development’ and national policies and the amassment of wealth, are persistently (re)constructed as unproductive, fragile, lacking- those who are incapable of developing- a burden. These are bodies repositioned in even more anxious spaces of conflict, where strength to fight or flee is key to surviving. Their resistance is constrained (though they are not weak!), and their capability to escape slowed down by the weight of their bodies and/or the absence of support by their families or others as well as systems- themselves pushed towards flight or crumbling. For those who manage to escape, the road to safety is a long and winding one, a narrative rarely told, and protection and other needs not too often considered or only partially, as ‘protection’ continues to be undifferentiated, ill-informed by other bodies, ontologies, geographies, contexts and cultures. Research (see for example WRC, 2008; Mirza, 2011) has demonstrated how the protection challenges faced by the general population of displaced persons are intensified for disabled people, and yet, by and large, they are the most invisible, excluded and vulnerable.

### **Illegal bodies**

Crucial to our understanding of forced migration is the knowledge that disabled people who flee their home are often compelled to seek protection and safety beyond their nation state, and as such, forced migration is intrinsic to global politics<sup>3</sup>, neoliberalism, sovereignty, and the disparate interests of the citizen and the non-citizen. This means a crucial tension lies at the heart of liberal states vis-à-vis how to deal with the forced migrant (Pisani, 2012). As Slavoj Žižek (2004:34) has rightly argued, ‘in the much –celebrated free circulation opened up by global capitalism, it is ‘things’ (commodities) which circulate freely, while the circulation of ‘persons’ is more and more controlled’.

Indeed, as will be demonstrated in this paper, the decision to leave one’s home does not translate into the right to be granted permission to enter another country. The increasing securitization of borders and stricter border controls must also be seen within the broader context of North-South relations. The intensification of migration, interacting with global transformations, has led to an increasing number of refugees reaching the global North. Following the breakdown of the East-West divide, and reinforced post 9/11, emphasis has been placed on containment – as indicated, for example, in the term ‘Fortress Europe’ - and a more vigorous refugee determination process in an effort to limit North-South migrant flows (Koffman et al. 2000). Similarly, changes made to Internally Displaced People’s (IDP) protection and the use of the ‘internal flight alternative’ can also be seen as an effort to contain displaced persons within their country of origin. This new phenomenon has coincided with the fracturing of the refugee label. In fact, usage of terms such as ‘illegal immigrants’, ‘klandestine’ and ‘irregular migrants’ has become a common strategy adopted by States to restrict access to refugee status (see Zetter, 2007). This same political discourse, often shrouded in racialised speech, resonates a colonial past that remains so very present, feeding into contemporary social and political practices that serve to reproduce domination and inequalities, and maintain the status quo. Importantly, they (re)enact boundaries and divisions.

*Forgetting human needs: the obsession with labels*

Categories, terminology and labels matter, because they frame as well as uphold power relations, and these have real effects on the individuals they seek to define (Zetter, 1991). They not only gravitate around and try and construct an imaginative norm, they normate and work towards an established normative. Homogenisation plays a key part in this, not only in simplifying this process, but also in removing, criminalizing and perhaps pathologising all that does not fit. In a similar fashion, traditional social model theorists (see for example Oliver, 1990), have long argued how disablism results from a society insensitive to, ill-informed about, and enacting barriers (including attitudinal ones) towards disabled people. In this case, society is constructed and organised around a dominant non-disabled frame, that not only does not cater for disabled people, but excludes, and (re)positions them perpetually outside the norm- those it is legitimate, almost expected to exclude. The medical profession, medical labels and infinite interventions/violations on disabled bodies and minds have and continue to serve this purpose. Rosemarie Garland-Thomson (1997:8) also refers to the 'normate' in her work as she reflects on the standardization of female bodies- 'the corporeal incarnation of culture's collective, unmarked, normative characteristics'.

Reverting to the issue confronting 'illegal bodies', it is not only easy to see the comparisons with the illegitimate disabled body. It also enables us to reflect on where disabled bodies fit within normative discourses on legality. Indeed, driven by states' migration policies, legal and operational concerns, such normative distinctions pay little attention to a given individual's physical, humanitarian or protection situation and his/her needs. They dictate among others things: who is considered as 'assistable'; who can/should be assisted by the international community and how; who will qualify for legal protection and who won't; where (geography, group etc.) funds should be directed to, and how they should be spent; who will be granted access to rights. A prime example is the situation in Libya post 'revolution' in 2011, a situation that highlighted the shortcomings of the international protection regime as well as the rigid categorization dictating who is deserving of protection and assistance and who is not. Médecins Sans Frontières (MSF) reported on their frustrations in dealing with so called 'mixed flows' fleeing the conflict in Libya. Different 'categories' of migrants, including migrant workers (classified as economic migrants, many of whom had been working in Libya), IDPs (forced to move as a result of the conflict in Libya), asylum seekers and refugees (many of them sub-Saharan Africans fleeing war and persecution and facing the real threat of detention and torture in Libya) were all displaced as a result of the conflict in Libya and forced to cross the border to Tunisia. Needless to say, each 'category' and indeed each individual, faced the horrors that accompanies such a context - where real life is lived out and experienced. As such, the rigid categorisation was impossible to relate to on the ground, and yet the differentiation marked the difference between life and death, compelling some humanitarian actors to question the ethical and legal grounds for such rigid (and legally defined) categorisation, calling instead for a response based on human need (see Bach Baoua et al. 2012).

The upshot of such categorisation, then, is that many are left to fall between the cracks, their demands becoming illegitimate, ergo, no one's responsibility. This includes disabled people. The exclusions that displaced disabled people face are in fact many, and well beyond those

documented in empirical research (see for example Shivji, 2010), including physical or communication barriers, stigma, and notoriously, lack of services, including specialised and adapted health care and rehabilitation, services that are contextually and culturally informed, sensitive and responsive.

The debate, then, we would argue, has to move forward and beyond labelling and legal categorisation to incorporate broader issues of discourse, construction of subjects, the right to rights, and borders.

### **National security takes precedence over human security**

Under pressure from affluent countries of the global North, the emphasis on securitization, containment and the externalization of borders has been extended to countries in the global South, undermining forced migrants' ability to access human rights. The statistics speak for themselves, and according to UNHCR (2015), the majority of displaced people were being hosted by countries in the Middle-East, Asia and Africa. Indeed, at the end of 2013, countries located in the global South – the so-defined 'Least Developed Countries' were hosting 86% of the world's refugees (UNHCR, 2014). This appears to challenge the discourse of burden propagated by certain global North countries- that they are shouldering a disproportionate weight of those who flee. There is as always, little or no reference to history and the obligations that come with it. Indeed, as Chimni (2009:11) has convincingly argued, whilst asylum seekers have always existed in the global South, restrictive access to international rights has been longstanding and deliberate, grounded in what he calls the 'myth of difference between second and third world refugees'.

Stricter border controls and restricting access to protection have not reduced flows, rather, the need to find security has led forced migrants to search for alternative routes, and this has triggered the proliferation of often unscrupulous smuggling and trafficking networks and ever more precarious routes. The onus on national security has therefore come at the cost of human security. The need to turn to smuggling networks has also impacted the financial costs of seeking safety – security is available to those who can afford to pay for it. As Zetter (2007) has argued, 'refugee status becomes a commodity to be bought, which only the more wealthy can afford, rather than a right' (187). A 'right' then, is increasingly beyond the reach of the poorest of the poor- the poverty/disability nexus being so strong, ensures the pervasive presence of disabled people amongst those not entitled to them, and for who they are unachievable.

For those who try to make the journey, the human costs are staggering. Beyond exploitation, violence, abuse, and untold human rights violations, thousands continue to perish in the sea, a desert, a truck (see for example the situation in the Sahara desert, the Mediterranean Sea, the waters surrounding Australia, and the Mexico-US border, amongst others). Of course, such routes are not open for all. For example research conducted with Syrian refugees demonstrated a higher prevalence of impairment in Jordan (25.9 per cent) than in Lebanon (20 per cent), the difference was in part explained by the Jordanian border being easier to access, suggesting disabled people had a better chance of making the crossing (HelpAge International & Handicap International, 2014). In a similar fashion, recent evidence is emerging to highlight the impairments caused on the Mexican border as irregular migrants

(largely from Central America) attempt to cross into the US on the infamous train ‘la bestia’. Stories of falls, broken limbs, amputations, are starting to circulate in the media, even though those who become disabled as a result of this crossing are hardly obtaining any access to support.

In our work as academics, activists and practitioners, we have listened to many asylum seekers and humanitarian actors recount stories of the journey across the Mediterranean<sup>4</sup> and how disabled people of all ages were often amongst the first to die: because of dehydration, lack of medication, constrained ability to swim, confusion and chaos at times of crisis, and lack of knowledge and the unpreparedness of humanitarian intervention around disability issues. The reasons are complex and varied, but the outcome is too often absolute and irrevocable. The challenges that displaced people face during forced migration, then, are intensified for disabled people, who may also experience difficulties in physically moving, hearing, seeing, communicating or understanding (UNHCR, 2011), issues relevant along all parts of the journey, and which vary and intensify according to the type of impairment and how this interacts with a host of other factors and processes. This reality, though, cannot – and must not – be divorced from the securitization of borders, issues of sovereignty and citizenship, and the North/South divide (see Soldatic and Grech, 2014). The Greece/Turkey border would be a case in point, wherein barbed wire fencing, landmines, thermal night vision cameras and border patrols are amongst the means used to prevent what is constructed as a national security threat. The upshot of such ‘securitization’ measures has led to many migrants losing limbs in their efforts to cross the border and reach Europe (Council of Europe, 2010). And so it is, the emphasis on national security pushes human security to the margins.

### **Social relationships and networks**

Linking the macro and micro determinants of migration by introducing a meso level of analysis, helps us to understand the forced migration process in terms of social relationships extending from the country of origin to the country/ies of transit, the host society and within ethnic communities and families among others (Anthias, 2010).

In the presence of an existential threat, when people are forced to flee their homes and communities are dispersed, the established support structures collapse with the implication that disabled people are often isolated and exposed to more danger:

In refugee situations, disabled children and adults are particularly vulnerable. Without independent mobility, families fleeing danger may be forced to abandon them, exposing PWDs to more health and safety risks and reducing their chances of survival (Karanja, 2009).

Throughout the forced migration process, social relationships become vital in accessing resources, be it from crossing borders and negotiating travel, survival in camp settings or other places of ‘transit’, to options for return or resettlement. Research (see Philips et al., 2010; HelpAge International & Handicap International, 2014), has demonstrated, however, that when caught up in the crisis, and when forced migration contexts become increasingly protracted (see below), many disabled people do not receive support along the way. The support systems that do exist are often overstretched, unprepared for disability, or break down



in the midst of a crisis, including Disabled People's Organisations (DPOs).

Castles (2003) highlights how migration out of the most deprived areas is further challenged since poor people often lack the economic capital necessary to travel, the cultural capital required to access information, and the social capital and networks required to negotiate a new space. Where poverty intersects with disability, the situation becomes more complex; the costs of disability (for the individual and the family) can be broad, including less time and possibility for productive labour, and less possibilities to 'bridge' their capital, and invest in social relationships beyond the immediate family and/or community (see Grech, 2010). This is a serious concern, when in the absence of formal nets and serial violations of rights and abuses, for better or for worse, what enables people to survive, are immediate relationships. For poor disabled people, then, the decision and possibility to flee is also influenced by the existence of, and participation in social networks meaning that those with fewer social networks may be more likely to turn to smugglers who are dishonest. This exposes them to further risk of violence, robbery, rape and trafficking and more precarious routes (see for example Somaliland Sun, 2012). This is a critical concern for disabled women and girls, who are more vulnerable to sexual abuse, violence and trafficking, especially in situations of conflict (see also Buscher, 2014). Such a reality cautions once again against homogenous and essentialist categories, to look instead at the complexity and multiple positions of disabled forced migrants, how disability intersects with gender, age, socioeconomic status and legal status, and how social relations of power never shift out of focus (see also Integra and UNHCR, 2015).

### **We're all about rights... just not yours.**

The imposition of human rights and liberal democratic norms by the global North in the global South, can be contrasted with policy measures and discursive practices which contribute to the securitization of the richer countries of the North that seek to keep the 'immigrant threat' at bay. With some 145 Nation States party to the 1951 Geneva Convention and the 1967 Protocol (extending its temporal and geographical mandate), it is by far, the most broadly ratified refugee treaty. And yet, the wealthiest and most powerful of these states have disregarded their international obligations with brazen disdain. Take for example the European Court of Human Rights (ECHR) judgement (2012) on Italy's violation of *non-refoulement* wherein asylum seekers were intercepted at sea and forced back to Libya, or Australia's Regional Resettlement Arrangement that has, according to Amnesty International (2013) resulted in a host of human rights violations.

In the global South, national borders demarcated and imposed during colonial times are today reinforced by donor capital. Contradictions abound. A case in point would be the EU response to the popular uprising in Libya in 2011, wherein Euros 80.5 million were 'channelled through trusted humanitarian partners [to] ...meet basic needs, treat the injured, assist refugees, prevent human rights abuses and support demining' (European External Action Service, n.d.). Contrast this with how the EU responded to the thousands of people displaced as a result of the conflict: whilst Tunisia and (to a lesser degree) Egypt maintained an open door policy, receiving over half a million migrants fleeing the violence, the EU stepped up its security and border controls. In the wake of the Syria crisis and the displacement of millions of people, the onus has remained on containment, human security once again subjugated to

‘national security’ concerns.

The following passage captures the UN High Commissioner for Refugees’ exasperation as he describes the EU response to the Syrian civil war:

When histories are written about the humanitarian cost of Syria’s civil war, Europe’s response to the crisis of a generation might be summed up in a single phrase: never was so little done by so many for so few... In response to the largest forced displacement crisis in the world, taking place only a short boat ride away, Europeans have provided refuge to a grand total of 124,000 Syrians – less than 4% of all Syrian asylum seekers. Lebanon, by contrast, a country with a population of around 4.4 million, is host to 1.1 million Syrians in exile (Guterres, 2014)

A number of points can be highlighted here. First of all, couched in a political discourse that emphasizes national security concerns and that constructs the forced migrant as ‘illegal’ (see Pisani, 2011), we are exposed to the efforts of global North states to contain asylum seekers in the global South, ergo, forced migrants are denied the possibility – and right - to access the asylum system and protection. The consequence is that forced migrants must remain in the global South, often in protracted refugee situations. Within such discourse, disabled migrants are particularly disadvantaged (see Soldatic and Fiske, 2009).

### **Humanitarian spaces are political non-disabled spaces**

The proximity to a crisis should not determine the level of responsibility individual states assume for displaced people, and yet, chronic refugee situations are overwhelmingly found in the regions of refugee origin, namely in the global South (for a review on how protracted refugee situations impact regional security, see Loescher & Milner, 2004). The implications here are complex and diverse. For the purposes of this paper, analysis is limited to the issue of disability and possibilities for resettlement (discussed below), and the consequences for disabled people in humanitarian spaces.

While the securitisation of borders in the rich countries of the global North cannot be considered the main cause of prolonged refugee contexts, it most certainly contributes to its reproduction. This, combined with a breakdown in cooperation between countries of origin and donor countries, dwindling funds (as money is directed to ‘emergency’ contexts), host country resistance to integration, and limited possibilities for resettlement, has led to an ever growing number of forced migrants remaining in a state of limbo, either in camps, rural settlements or cities. There are an estimated 51 million displaced people in the world today, the vast majority in protracted settings, with little hope for change or an end to their predicament any time soon- hopeless futures (Aleinikoff, 2015).

Focusing on the issue of camps, Hyndman (2011) reminds us that such spaces are not politically neutral. The richer countries of the global North play a central role in shaping this reality, wherein political humanitarianism has been described as a continuity of the colonial order, and humanitarian action remains secondary to the interests of the global North (see also Chimni, 2009). All too often, aid is granted to refugee producing countries on conditionality of containment and stemming migrant flows to the donor countries, and funds

are managed by international organisations often established to safeguard the interests of the Northern Countries and maintain the civilizing mission (Barnett & Duvall, 2005). The upshot of this is the insidious, but ever present abuse of power by Northern countries, the imposition of policies and practices too often not in the best interests of the poorest or most vulnerable. Instead, they are directed by political and economic gains, and the reproduction of ‘humanitarian’ spaces where liberal democratic ‘norms’, including human rights, are nonexistent: a depoliticised space wherein, by virtue of their political– and ontological–exclusion, lives are suspended, reduced to ‘bare life’ and outside the reach of law (see Agamben, 1998).

Writing on refugee camps within the African context, Crisp (2002) describes a harrowing scenario wherein basic human rights are completely inaccessible and basic needs unattended to. Restrictive conditions include among others: limited physical security; confinement and limited freedom of movement; restricted civil and political rights (wherein any form of political activity is not allowed) limited legal rights (lack of residency rights can also result in stateless children); and stifled right to engage in income generating activities (9-10). Where protracted refugee contexts intersect with disability, the situation can be nothing short of toxic. The conditions experienced by disabled people living in camps have been reasonably well documented (see for example Handicap International, 2008; and the Forced Migration Review, 2012 special issue). The absence of disaggregated data on the number of disabled people, a lack of consistency in the identification of disabled people, definitional problems, unclear or absent policies on inclusion, shortages in funding and lack of evaluation tools and processes, not only contribute to the marginalisation of disability as a subject of study and practice in migration and humanitarian affairs. They also coincide with, and contribute to significant challenges and barriers for disabled people on the ground, including, but not limited to:

- problems in accessing food and water
- unavailability of adequate and adapted food rations (type of food)
- inadequate means and support to consume food
- poor sanitation and inaccessible toilets
- discrimination
- verbal, physical and sexual abuse
- barriers in accessing health care, and inadequate or absent means of referral, in particular to specialised health care and rehabilitation
- limited access to assistive devices
- barriers in accessing information and education, especially in culturally relevant and positioned ways
- lack of knowledge of contextual and cultural framings of disability, bodies and care, including by medical staff
- cultural mediators, translators, humanitarian actors, policy makers and others untrained in disability issues

The list goes on. In short, despite Article 11<sup>5</sup> of the Convention on the Rights of Persons with Disabilities (CRPD) which extends rights to situations of risk and humanitarian emergencies, the needs and rights of disabled people are consistently and systematically excluded, their

very existence ignored ontologically and practically. Their security is assigned to the biopolitics of administration- the disabled body is rendered docile, this time through indifference and inaptness in 'dealing with' and responding to it. While disability theorists have spoken at length about this docility caused by medical practices in the global North (see for example Oliver, 1990), in the global South, and in these conditions of flight, it is paradoxically caused by their absence, the bare minimum to keep them alive (Grech, 2009).

Such scenarios, though, are not necessarily limited to the global South, but extend to forced migration contexts in Europe. Research conducted in Malta (Integra and UNHCR, 2015) documented how disabled people were more likely to remain in refugee camps and 'open centres'. An often precarious legal status, lack of access to the labour market, restricted information and access to education, inter-ethnic discrimination and broader experiences of racism, coupled with the conspicuous absence of mainstream disability services, all contributed to the isolation (physical and ontological) of disabled forced migrants

Often, disabled people are among those more likely to remain in protracted refugee contexts since the challenges related to return may also be accentuated. Such barriers may include: inaccessible information; transport may be unavailable or inaccessible for those with mobility impairments; homes may have been destroyed and the possibilities of rebuilding them may not be viable (including on account of physical limitations); adequate services may not be available, and support may be hard to come by, particularly where families and communities have broken down. In the absence of possibilities for return, the outcome of such a scenario is that camps become, as Kett and Trani (2012:15) describe, 'de facto, welfare camps'.

### **Do rights cross borders?**

The CRPD marks the first and only international agreement to put down the rights of persons with disabilities in international law. Article 11 of the CRPD has the potential to be an important tool in ensuring the protection of all persons with a disability are considered in all aspects of humanitarian response (see Philips, Estey and Ennis, 2010). In ratifying the convention, nation states are committing themselves to international obligations. However, if we shift our attention to the global North, in the case of the disabled forced migrant, these obligations are often systematically ignored. This is more than evident in the adoption of militarised border controls in the global North and the use of hard-line, punitive- and illegal -detention for those exercising their right to request asylum or just trying to better their lot. It is also evidenced in the fact that in the possibilities for resettlement, disabled bodies are constructed as a national security threat (see below). Certainly, despite extraordinary efforts to keep forced migrants at bay, national borders are porous, and some do manage to reach the richer countries of the North. Needless to say, those who do make it tend to be the most resourceful – young able-bodied men – and not necessarily the most deserving. That said, disabled people often do manage to cross these borders - testimony to the extraordinary determination and agency of human life. Whilst the duration of detention varies from country to country, it is not uncommon for forced migrants to be administratively detained for many years. For example the United States (US) permits an indefinite period for the detention of asylum seekers, pending a final decision, and this can take from 2 to 3 years (International Detention Coalition, 2014).

Indeed, the detention centre is, as Agamben (1998:174) has argued, the definitive paradigm of the ‘state of exception’ wherein ‘the normal order is de facto suspended’. Given the values we would normally associate with a ‘liberal democracy’ – justice, rights, equality, and so on – one would think it inconceivable that a State can imprison thousands of people where no crime has been committed, and where the notion of ‘guilt or innocence’ is not brought into the equation. And yet, such is the lot of the ‘illegal body’: the cost of state security is borne by the politically insecure, and this will include disabled people. The obligation on States to provide ‘reasonable accommodation’ is enshrined within the CRPD. Juxtapose this, for example, with the detention conditions on Manus Island hosting one of Australia’s off shore processing centers:

One of the asylum seekers detained on Manus Island is a person with dwarfism. Despite his obvious difficulty in going about daily life at the detention centre, and in spite of his repeated requests for simple accommodations that would make his life easier—such as a stool to allow him to use the toilet without assistance—the centre had taken no steps that would afford him a measure of dignity and autonomy, in violation of Australia’s and Papua New Guinea’s obligations under the UN Convention on the Rights of Persons with Disabilities (Amnesty International, 2013:8).

The report goes on to state that one individual was denied the use of crutches as these were deemed a security threat (44).

Similar scenarios are played out across the world, the effects are a travesty of human rights wherein the sovereign state would appear to be the source and cause of human insecurity. Alas, it would appear that, in the case of ‘illegal’ bodies at least, donor countries are not accountable to the same liberal democratic ‘norms’. The following documents the situation in the US:

Roughly 15 percent of the non-citizen population in detention, or around 57,000 people, have a mental disability. Unfortunately, these mental disabilities often go unrecognized by law enforcement and immigration officials, resulting in less access to justice for the individual and greater confusion and complexity for the attorneys and judges handling the cases. The consequences of immigration enforcement for unauthorized immigrants, long-term permanent residents, asylum-seekers, and other non-citizens with mental disabilities can be severe (Packer, 2010:4).

Beyond the impact of the immediate environment, Crock et al. (2011) have also documented some of the many challenges disabled people experience during the refugee determination process, and how disability can impact a person’s ability to qualify for protection. Such barriers include, but are not limited to: difficulties in understanding the asylum process; difficulties in communicating; behavioural difficulties; and problems in presenting a coherent and consistent testimony. The authors conclude that the Geneva Convention presents some ‘intractable’ problems for some disabled asylum seekers, which begs the following question: in the absence of refugee protection, how will their rights be protected? Similar critiques have emerged from those working on disability issues in the global South (see Grech, 2009; Soldatic and Grech, 2014) contesting if and how rights travel across borders, how these are

upheld (if at all), and how they benefit disabled people in the midst of extreme poverty. When few even know what their rights are (and much less of transnational tools such as the CRPD), where there are few or no organisations lobbying, or when lobbying may be dangerous, when disabled people and their families have few or no means to seek redress, it is no exaggeration that many slip outside protection. It is hardly surprising, though, when the rights of the poor, and those who are disenfranchised, including disabled people, are rarely upheld, even in contexts where policies, laws, organisations and institutions are not lacking.

### **The unproductive foreign body: a national security threat**

Migration entrenches the citizen/noncitizen dichotomy, establishing – in law – the normative distinction between the citizen who ‘belongs’ and the non-citizen who doesn’t. While this distinction is clear, the status of migrant is established along a hierarchy of rights. Increasingly restrictive immigration policies, impeded access to the labour market, and racializing discourse, ensure a pecking order that is massaged by temporal and spatial factors and ranked by *inter alia* legal status, nationality, ‘race’ and ethnicity, gender and disability. Upon ratification of the CRPD a number of States (including the US, Canada and the UK among others) included a reservation excluding immigration policy from the enshrined obligations, arguing that such obligations are only due to nationals and that – in essence - the non-citizen disabled person would amount to an economic and social burden on the State – ergo a threat to the State. UNHCR, the Office of the High Commission for Human Rights (OHCHR) and the UN treaty monitoring bodies, have found such reservations to be too broad, contrary to the principles of the CRPD, discriminatory, and a violation of States’ international obligations (see for example UNHCR, 2009; Crock et al, 2011; Yeo, 2015 in this special issue). The impacts of such reservations are lived out by disabled persons and their families, wherein some families are also forced to leave a disabled family member behind:

The health requirement impacts on a very wide range of conditions. Refugees in need of resettlement have been impacted because of the presence of a case of deafness in the family, or because of a congenital or developmental disorder such as Down Syndrome. Disabilities caused by conflict or torture may also present difficulties. A number of conditions are assessed as a matter of course as presenting a ‘significant cost’ and are, therefore, effectively barred from resettlement in Australia (UNHCR, 2009: 7)

And yet, such reservations remain: ‘rights’ are de facto assigned to the citizen imbued with humanity, whilst the disabled, non-productive, non-citizen is stripped of these. All too often, all of this occurs within a political discourse that seeks to nullify, but in particular, ‘illegalize’ the Southern body, the uncivilized body is a demonized, further sustaining and justifying the need to divide and separate (see Fanon, 1963). Terms such as ‘illegal’ and ‘clandestine’ are tossed around in political and public discourse, hegemonic discursive practices define and represent the ‘illegal’ body, fuelling fear, ‘securitization’ and heightened nationalism among citizens, hence calling for hard line policies – and the negation of rights. All of this is part and parcel of a post-Cold War shift in discourse on the part of Western governments, a return to a colonial era, where inequality is somehow justified as natural. This is where refugees are increasingly being labelled as ‘economic’ or ‘illegal’ migrants- an unwanted burden- while

contemporaneously and paradoxically, the illegalization process ensures a steady supply of cheap exploitable workforce that meets the demands of the labour market (Pisani, 2011). The relation of domination is reproduced as different forms of discrimination intersect – the broken, Southern, racialized, illegalised body is rendered docile. And so, the State gets to flex its sovereign muscle, enforcing a survival of the fittest scenario that selects the desirables from the masses of the ‘wretched of the earth’ (Fanon, 1963). Such a reality sits comfortably with the neoliberal ideologies at work (see Soldatic & Meekosha, 2012). In short, it is not about rights, it is about productivity, and the onus is placed upon the security of the State, rather than the human being (see Booth, 2005). This is a familiar scenario among disabled citizens, including in countries such as the UK, who in the midst of austerity measures continue to be pitched as ‘scroungers’ (see Dwyer, McNeill and Scullion, 2014), those framed as unproductive bodies, those illegitimately trying to claim resources of more ‘legitimate’ others. They are hence an economic burden, but also those the government can offload responsibility to, for anything constructed as mishap. The result is that the government is no longer the responsible party for socio-economic and other inequalities, but people themselves are, hence providing an effective deflection of population anger towards this new Othered.

Reflecting further, it is clear that not all ‘productive’ is the same ‘productive’, especially when this productivity is inextricably linked with constructions of race, whiteness, within an imaginary global North normative and narrative, both of which have powerful historical antecedents. Within this scenario, some are perceived as even more ‘unproductive’ and ‘burdensome’ than others. The disabled body and mind, in particular, is an unwelcome and unwanted threat to the wellbeing of the nation state, a nation state that is built on fostering functional, independent, self-vigilant and surveilling individuals, a nation state increasingly obsessed with offloading the care of citizens, and where serving the interests of businesses and banks remains the priority. Within this narrative is another narrative, one that requires the demonizing of these subjects to promulgate a rejection incited by the State, but upheld by the popular - pitching people against each other, and where nationhood and citizenship become critical variables in differentiating between those who are ‘deserving’ and those who are not.

#### *Disability studies and the hegemony of the nation state mindset*

Disability has not only been marginalised in migration studies and practice. Disability studies too, has contributed to this inattention, while perpetuating and sustaining many of the problems articulated above. This small field of study, as Grech (2011) emphasises remains global North focused, white, urban and middle class. It continues to marginalise global South issues in its content, including the situation confronting disabled refugees and asylum seekers in Europe - a gross negligence. Its theories, tenets (including the social model) emanate from, premised on and propagated from hegemonic global North spaces. These include broad assumptions, of racial homogeneity, proximity and similarity in location and residence, the presence of policies and services, and importantly a notion of rights premised on citizenship, hence weakening the claims of those who do not fit or slip outside this space. Categories such as ‘refugee’ and ‘IDP’ are constructed in relation to the nation state, ergo, one cannot exist without the other. It follows then, that a nuanced and informed understanding of the experiences of disabled forced migrants must move beyond what Pisani (2012) calls the ‘citizenship assumption’: a statist hegemony that is ubiquitous within Disability Studies.

Barnes and Mercer (2009:515) for example have argued that disability theory, specifically the social model of disability, and practice, is grounded in the notion that society has failed to ‘remove the wide-ranging social, economic, and environmental barriers that underpin the social exclusion of disabled people and the denial of their basic citizenship rights’. Like others, they appear to take citizenship as a given, or to assume it– the right to citizenship rights is not questioned. Elsewhere, Barnes & Mercer (2006) place emphasis on the importance of a democratic, bottom-up process in order to pursue citizenship rights – but there are limitations to advocating for a democratic process for the non-citizen who lacks political leverage, and is excluded from the national democratic process (see also Pisani, 2013). As we have demonstrated in this paper, social justice issues cannot be pursued and framed within sovereign structures and liberal democratic norms that, not only disregard the role of neoliberal globalization in causing and shaping the experience of forced migration, but also assumes access to citizenship rights, thus excluding the non-citizen, ergo, the illegalised disabled body. At the forced migration, disability and nation state nexus, the ‘right to rights’ cannot be assumed. Forced migration studies, and indeed empirical work on disability and forced migration demonstrates how the dynamics of social relations go beyond national borders, as such, so must the theories and methods used to study them (see also Castles, 2003). This would imply then, and also support the call for what Grech (2015) calls a ‘Critical Transnational Disability Studies’, one that must also move beyond the nation state as a framework of analysis, with the implication that theories and the assumptions upon which they are built, also need to be questioned and perhaps (re)negotiated (see also Soldatic and Grech, 2014).

## **Conclusion**

This paper has briefly but critically engaged with disability and forced migration within dominant and hegemonic frames, discourses and structures that not only produce forced migration, but also reproduce social inequalities between the global North and the South – a reality that needs to be historically contextualized. Failure to critically engage with the history of colonialism risks ignoring the deep fractures that never ceased to exist, and serves to perpetuate a history of inequality. The present is bound to the past, and within this narrative, disabled people are often among the poorest of the poor, yet too frequently ignored within humanitarian practice as well as disability studies and practice. The vast majority of forced migrants live in the global South, often originating from, and hosted by the poorest countries in the world. Poor people are more vulnerable to impairments and encounter greater barriers, including, to health and education. These barriers are intensified throughout the forced migration process, from fleeing one’s home and the breakdown in support structures and community relations that accompanies this trajectory, in protracted displacement contexts where the rights and needs of disabled people are often pushed to the periphery, their voices largely unheard, their rights ignored, to crossing borders, borders marked by danger, death and human insecurity. Enhanced border controls and the emphasis on containment has ensured the illegalization and racialization of the forced migrant, contributed to the protraction of refugee contexts, the need to take ever more dangerous routes to reach some form of protection, and ever harsher detention policies: perpetuating the logic of the colonial era. Beyond the protection of a State, the disabled non-citizen occupies a toxic space wherein the right to rights cannot be assumed. The paper concludes by calling on disability studies to



not only transnationalise its focus, but also to move beyond the statist hegemony: excluded from democratic structures and possessing no political clout at the ballot box, the illegalised disabled body cannot make the claim to ‘equal citizenship’. More broadly, engaging with disability and forced migration entails critical dialogue across sectors, services, but also theory and disciplines. Fields such as disability studies need to urgently engage with migration, to not only inform other areas, but also to challenge its own eurocentrism, and to broaden its epistemological horizons. The same applies to migration studies, looking at transit, at change, at bodies that move and cross borders. There is much to be learnt from disability studies and its long engagement with embodied forms (see Ghai, 2003), discourse (Corker and French, 1999), and more recent critiques on rights within context (see Soldatic and Grech, 2014) as these confront ‘different’ bodies and lives in non-normative spaces. In this spirit, we must challenge what Corker (2001) calls ontological imperialism, to move beyond dualisms, assumptions and essentialism as we think about disabled migrant bodies, as they travel across space and time.

## Notes

<sup>1</sup> Article 1a of the 1951 Geneva Convention defines refugees as people who ‘owing to a well-founded fear of persecution, on the grounds of race, religion, nationality or membership of a social group, find themselves outside their country of origin, and are unable or unwilling to avail themselves of the protection of that country’

<sup>2</sup> The United Nations defines IDPs as “persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border” (UN Commission on Human Rights 1998, para. 2).

<sup>3</sup> As Betts (2009) indicates, even in the case of Internally Displaced People (IDP’s), where their own state is unwilling or unable to be assured of protection by their own state, there is a broader international responsibility to guarantee such individuals access their rights and receive protection (p.2).

<sup>4</sup> In 2014 more than 3000 individuals drowned in this body of water. The number of deaths in the early months of 2015, suggest that even more will lose their life this year.

<sup>5</sup> Article 11 of the UNCRPD states: Situations of risk and humanitarian emergencies States Parties shall take, in accordance with their obligations under international law, including international humanitarian law and international human rights law, all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters.

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