

## Refugees With Disabilities: Reflections on Turkey And The European Union

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**Abstract:** In the present day, the fact of migration has become an important issue that concerns almost the whole world. In many parts of the world and as a result of internal turmoil, wars, economic, political, and social turmoil, generally, in poor, underdeveloped, or developing countries, migration evolves into unpleasant scenes, particularly in the Middle East and in many other countries throughout the world. This situation shakes the countries both materially and morally. This article intends to study the individuals with disabilities who are forced to migrate and thus become refugees/asylum seekers/immigrants suffering from huge problems and the problems they encounter. Refugees with disabilities have many apparent and non-apparent problems, such as accommodation, exposure to discrimination, health and access to health services, employment, and education. Considering that even a healthy person would face many problems as a refugee, the problems of accommodation, nutrition, health, education, and employment increase exponentially for a person with a disability who becomes a refugee. Individuals with disabilities, who are already in need of care of others in many aspects during their everyday life, lose the right to live a decent life when they become refugees/immigrants/asylum seekers. This study examines mainly the problems of immigrants with disabilities in Türkiye as well as the standpoint of the world and the European Union with disabled immigrants. With the European Union norms and all international conventions, it has been recurrently stated that individuals with disabilities should be aided without discrimination on language, religion, race, gender, or citizenship/nationality. To ensure these individuals are protected, treated equally with other individuals, and maintain their lives with dignity. Most of the studies performed on immigrants with disabilities, particularly those made in the European Union countries, express that official surveys and scientific studies on disabled immigrants are very few or insufficient. In this respect, it is not possible to state in this study that official, correct and valid figures can be adequately obtained with access to resources on immigrants with disabilities since they are not available. In many countries, adequate records, information, documents, and numerical data on immigrants with disabilities are not available or are incomplete. It has been observed that the data and resources on refugees with disabilities in the European Union are quite inadequate. This fact constituted the biggest limitation on the study. Accessible data, official figures and information are mostly obtained from disabled statistics and official sources in the EU and Türkiye. We endeavoured to review all literature that is relevant to our subject and accessible for us. Another matter that sounds interesting is that many studies conducted in the United States focused on the contribution of immigrants to the US economy and that immigration has been dealt with from this aspect. It is globally known that Türkiye has suffered a constant influx of immigrants due to its geographical location. Nowadays, Türkiye is the country hosting the maximum number of refugees throughout the world. Regarding the results of our study, education and school are out of reach for most immigrants living in Türkiye. Refugee children and youth do not go to school. Refugees with disabilities are not furnished with adequate information about non-governmental organizations that defend their rights. There are limited studies on handicapped immigrants in the world, in the European Union and Türkiye. Even though all international institutions in the world and their recommendations state that disabled refugees should be protected, these individuals cannot easily access shelter, health, education, employment and rehabilitation services. When these problems combined with the language barriers and financial hardships come in, the vast majority of disabled people have significant difficulties in coping with these problems. Based on these reasons, refugees are considered "unemployable" in terms of employment.

The most important point this study intends to emphasise is to attract attention to the necessity of employing at least certain number of the handicapped refugees in European countries so that the EU countries lend assistance to Türkiye regarding the employment of disabled refugees, so that these individuals will live and hold on to life in a decent way and the burden on Türkiye can be alleviated.

**Keywords:** migration, disabled, refugee, asylum seeker, immigrant, refugees with disabilities

### 1. INTRODUCTION

"Disability" is a phenomenon about a person that means permanent physical, sensory, mental health or mental disorder. Disability can be defined as absence of a part of a person's body, complete or partial absence of bodily or mental functions, the presence of chronic disease or organisms in the body that can cause disease, and malfunction or

deformity of a part of a person's body. Besides these, a situation or malfunction causes him to learn differently from a person without a dysfunction; experiencing a condition or illness that affects a person's thought processes, perception of reality, emotions, or judgment, or that results in disruptive behaviour. (NDA, 2022). The concept of disabled, which has different meanings due to the interaction of health conditions, personal factors, and

environmental factors, includes people with long-term physical, cognitive, or perceptual disorders that prevent their full and effective participation in society under equal conditions (Çondur et al., 2020: 348). According to United Nations data, the most common causes of disability are: heredity, congenital diseases, birth defects, low birth weight, preterm birth, multiple births and infections during pregnancy, lack of care during pregnancy due to ignorance, lack of insurance, unhealthy housing, natural disasters, illiteracy, inability to access health services due to lack of information, inadequate cleaning and hygiene, inadequate nutrition, traffic accidents, work accidents and occupational diseases, sports accidents, cardiovascular diseases, emotional and nervous diseases. In addition, use of some chemicals, change of diet and lifestyle, consanguineous marriage, domestic accidents, respiratory diseases, metabolic diseases (diabetes, kidney failure, etc.), drugs, alcohol, cigarettes, high blood pressure, aging, polio, measles, etc. Diseases are also among the causes of disability. In addition, according to NGOs data reaching the United Nations; Environmental and air pollution, scientific experiments without the informed consent of the victims, terrorism, wars, deliberate physical injuries by authorities and other attacks on physical bodies and the mental integrity of individuals, as well as human rights violations are considered to be factors that lead to disability (UN, 2022b; CDC, 2022).

Disabled people are individuals who have lost their physical, mental, spiritual and sensory abilities and are affected by environmental conditions. Disabled people have difficulty in realizing their desire to participate fully and effectively in society on equal terms with other individuals (Babaoğlu, 2015: 84). Many factors such as the fact that people move less due to the intensive use of increasing technology, food security is not at the same level everywhere, and inequality in access to health conditions can lead to the increase of people with disabilities. The population with disabilities is increasing day by day due to the continuing increase in chronic health problems such as diabetes, cardiovascular diseases and mental illness due to various reasons, and the aging of the world population as an important factor (Karaaslan, 2020: 47). At some point in people's lives, it's likely that they encounter disability temporarily or permanently. Approximately one billion people worldwide (about 15% of the population) continue their lives in a disabled state. This number is constantly rising with the aging of the population and the spread of non-infectious diseases. Disability is caused by individuals with a health problem such as cerebral palsy, Down syndrome, and depression. These factors interact

with personal and environmental factors such as negative attitudes, inaccessible transportation and public buildings and limited social support. A person's environment significantly impacts the experience and scope of disability. Unreachable environments create obstacles that prevent disabled people from fully and effectively participating in society under equal conditions with others. Progress can be made in improving social inclusion by addressing these barriers and facilitating the daily lives of people with disabilities (WHO, 2022).

Disabled people are subject to a wide range of social discrimination. Public perception is to treat disabled people as a charity. "Disabled people are faced with common experiences of multiple, intersecting and aggravated forms of discrimination, often preventing or weakening their full and equal participation in all aspects of society". This situation often leads to isolation of disabled people and intensifies negative psychological effects. Disability-related adults and children are at a higher risk of violence than those who are not disabled, and those with mental illness can be particularly vulnerable (EUAA, 2019).

Adding the phenomenon of immigration to the major problems that disabled individuals already have can result in far more threatening consequences. Forcibly displaced individuals are at additional risk due to their disabilities. By the end of 2020, 82.4 million people were displaced, and 12 million of these people were estimated to be disabled individuals. Factors such as loss of mobility or new or additional physical and sensory losses, psychological stress, abuse in different forms, and inability to access medical aid and assistive devices increase the vulnerability of people with disabilities and create devastating effects resulting from dependence on others. In addition to their current problems, the inadequacy or lack of accessible basic services in the countries they immigrated to, the financial difficulties they experience, and their exposure to discrimination may prevent them from connecting with the host society in the country they relocate to. All these problems point to the necessity of making more realistic analyses of disabled refugees and developing inclusive policies in the implementation of refugee policies in line with their needs and demands (iGAM, 2021:5).

One of the grave, significant obstacles disabled persons encounter in many countries is education. In many countries, disabled persons are still not actively involved in integration training. In the majority of OECD countries, including G20 advanced economies, access to basic elementary and middle

school education seems difficult, especially for people with serious disabilities. For others, it is the lack of access to higher education that poses a challenge. As a result, these people have a lower level of education. In many nations, mainstream and vocational education are often not well adapted to the inclusion of disabled individuals. Existing training facilities for individuals who are disabled at birth or early age often lack a professional character or focus on competencies that do not meet labor market demands (ILO-OECD, 2018:6).

## 2. THE SITUATION OF DISABLED INDIVIDUALS IN INTERNATIONAL CONVENTIONS

The Convention on the Rights of Persons with Disabilities (CRPD) was adopted in 2006 as the first binding international human rights agreement that clearly defines the protection framework of the human rights of the disabled and entered into force in 2008. This contract is a landmark international agreement. It is a comprehensive human rights agreement and an international development instrument and is at the heart of the movement for disabled rights (IDA, 2022).

As of 2021, the contract, which has 164 signers, contains eight general principles that guide the universal framework of disabled rights: 1. Respect for the inherent dignity of people, including the freedom and independence of people to make their own choices; 2. Non-discrimination; 3. Full and effective participation and inclusion in society (inclusion); 4. Respect differences and accept the disabled as part of human diversity and humanity 5. Equal opportunity; 6. Accessibility; 7. Equality between men and women; 8. Respect the evolving skills of children with disabilities and respect the right to protect the identity of children with disabilities. Article 11 of the Convention on the Rights of Persons with Disabilities supports the protection and safety of persons with disabilities in situations of risk, including armed conflict, humanitarian emergencies, and natural disasters. The Agreement also sets forth the obligations of the States to take all relevant legal and administrative measures to implement the rights of individuals with disabilities, to develop policies and programs to protect and improve the human rights of disabled individuals, and to eliminate all existing discriminatory practices. The last Conference on the Party States held in June 2021 focused on protecting the rights of disabled people in armed conflict and humanitarian emergencies; the right to independent living, the right to have an occupation, and the focus on education by the community. The

Committee on the Rights of Persons with Disabilities comprises experts who evaluate implementation progress reports submitted biennially by States Parties (iGAM, 2021: 12-13).

## 3. DISABLED IN THE EUROPEAN UNION

September 3, 2010 - the European Parliament adopted the employment guidelines, which were approved by the Council in October. The EU's primary goal is to increase the employment rate to 75% and reduce the number of people living in poverty and social exclusion by at least 20 million. In order to achieve this goal, the Europe 2020 strategy aimed to ensure that the labor market is accessible to all, including people with disabilities. The European Disability Forum has raised the issue of proper compliance with European experts at work. While 69% of Europeans have jobs, only 29% of disabled Europeans have jobs. Disabled people are twice as likely to be unemployed than non-disabled people. As a result, they are at a high risk of poverty. There is still a need today to make labor market services much more inclusive and to systematically update their competence in solutions for disability, relevant rules, and workplace adaptation. Disabled people are discriminated against at work. In general, employers are not always aware of the hiring methods or adapting the workplace so that disabled people can do their jobs like others. An employer must make changes adapted to their cost and benefits to maintain reasonable compliance. Reasonable compliance is a legal concept that means that the employer must make changes adapted to their cost and benefits. In the European Directive on equal treatment at work, the exact meaning of the word "reasonable" is not defined. The EU member states must explain it themselves. G20 countries have pioneered the world in approaches to preventing discrimination. Most countries have enacted anti-discrimination and equality laws to ensure equal treatment of people with disabilities, covering different stages of employment such as promotion, hiring, career development, and dismissal procedures, as well as education, transport, and training. (ILO-OECD, 2018: 14). For many years, policies for the inclusion of disabled people in the European Union legislation have been based on the principle of non-discrimination. One of the most important legislations in the area of disability is a directive from 2000 (2000/78/E). This text aims to eliminate any discrimination against people with disabilities in the field of employment. The directive not only covers the concept of non-discrimination but also includes the obligation to provide a reasonable regulation to the employer.

In December 2006, the UN decided that disabled people should have their own contracts based on the principle of non-discrimination and equal opportunity. This agreement is because disabled individuals have no access to the same rights as other citizens and the same opportunities to join the society. The EU has focused mainly on sensitive groups (young people aged 15-25 to 50-64, elderly workers aged, unskilled women workers, and disabled individuals), demanding that the employment rate in the EU be increased to 75% by 2020. Given that 15% of the working-age population has a form of disability or a long-standing health problem, disabled people need to be prioritized as part of this goal. If employers take appropriate measures, they will allow employees access to employment without obstacles arising from the disability (FIMITIC, 2022).

Estimated disability prevalence rates between countries vary widely within and between countries. It has been determined that there are differences in the data obtained from two different sources in Ireland. There are differences between countries in terms of the conceptual framework, methodology, and prevalence, and there are also difficulties in comparing national datasets. Prevalence rates range from 1% to 30% of the population. In addition, most developing countries report low disability prevalence rates. This is because these countries appear to have low prevalence due to their inadequacy when collecting data (WHO, 2011:27).

In March 2021, the European Commission adopted the strategy for the rights of 2021-2030 disabled persons within the scope of the "Equity Union: Strategy for the Rights of disabled persons 2021-2030" in the European Union. This strategy is based on the 2010-2020 European Disability Strategy results, which opens the way for an unobstructed Europe where disabled people can use all their rights and fully participate in society and the economy. Despite progress over the past decade, people with disabilities are still facing significant obstacles and are at risk of higher poverty and social exclusion. This strategy is aimed at all disabled people in Europe without any distinction. It aims to bring disabled individuals to a level where they can defend human rights, benefit from equal opportunities and participate in society and the economy. They can decide where, how, and whom they will live with; move freely within the Union, regardless of their support needs; and not be subject to discrimination. The strategy considers the diversity of disabilities resulting from the interaction between the often-invisible long-term physical, mental, intellectual, or sensory

impairments and environmental disabilities, as well as the increasing prevalence of people with disabilities with age. Almost half of the people over the age of 65 reports some form of disability. The Strategy encourages a perspective consistent with the 2030 Sustainable Development Agenda and the United Nations Sustainable Development Goals. The Strategy encourages an intersecting perspective that addresses certain obstacles faced by persons with disabilities at the intersection of identities (gender, race, ethnicity, sexual, religious) in difficult socioeconomic or other vulnerable situations. He noted that among disabled people, women, children, older adults, homeless people, refugees, immigrants, gypsies, and other ethnic minorities are in need of special attention. (EC, 2021a:5-6).

This Strategy creates an assertive series of flagship actions and initiatives in various areas and sets several priorities, including:

- The strategy focuses mainly on institutionalization, social protection, and non-discrimination in the workplace, encouraging the possibility of having a good quality of life and living independently
- Equal participation is the recognition of equal access to all health care, given that the goal of the strategy is to effectively protect disabled people against all kinds of discrimination and violence and ensure equal opportunities and access to justice, education, culture, sports, and tourism as well as equal access.
- Accessibility: Move and reside freely; it also encourages participation in the democratic process.

The Commission will support Member States in developing national strategies and action plans to advance the implementation of the Convention on the Rights of the United Nations disabled and the Union legislation in this area. The European Commission calls on the Member States to contribute to this newly developed strategy as a framework for the implementation of the Convention on the Union's actions and the Rights of the United Nations (EC, 2021a).

#### 4. REGULATIONS ON MIGRATION AND DISABILITY

It is useful to remind us of some basic concepts of migration. An immigrant is a person who leaves the country where he/she is legally located for economic reasons, enters the other country legally (with the authority's permission), and lives within the law in that country. Immigrants choose to move primarily to improve their lives by finding work or,

in some cases, for education, family reunification, or other reasons, not because of a direct threat of persecution or death. Unlike refugees, who cannot return home safely, migrants face no such barrier to return. If they choose to return home, they will continue to receive their government's protection (Deniz, 2014: 177-178; Habitat for humanity, 2022; UNHCR, 2016).

Illegal migration can be defined as when an individual (immigrant) leaves the country where they are legally located and enters the other country illegally or enters the country legally but does not leave the country within the time limit and continues to live/work in that country. The person who carries out illegal immigration is called an illegal immigrant. Refugees are people who are out of their country of citizenship and do not want to return to their country because they fear that they will be persecuted or killed of their religion, nationality, social group, political opinion, or by their religion, nationality, social group, or political opinion affiliation with any group. Refugees are people who have escaped from armed conflict or persecution. In essence, the term refugee assumes that it is worthy of assistance and protection in the face of events and the consequences of these events that have led the person to escape. In this context, those who escaped due to non-political crimes, those who left their country for economic reasons, and those who left their country due to natural disasters were excluded from refugee coverage by the states. Refugees are protected by international law, especially by the 1951 Refugee Convention. According to UNHCR, 19.5 million refugees were found worldwide at the end of 2014. Because people are in danger, they can be considered refugees by crossing national borders, receiving help from governments and charities to seek security in nearby countries (Deniz, 2014: 177-178; Habitatforhumanity, 2022; UNHCR, 2016; DHS, 2022; Türkdöğan, 2018:22).

Asylum seekers, on the other hand, are people who have left their country and sought refuge in another country on the grounds that they are refugees. However, the authorities have yet to decide whether they are refugees or not. With another similar definition: An asylum seeker is a person who claims to be a refugee but whose request has not been assessed yet. They apply for asylum because their return to their country would be persecuted due to race, religion, nationality, or political beliefs. A person is an asylum seeker as long as their application is pending. Thus, not every asylum seeker will be recognized as a refugee, but every refugee is initially an asylum seeker. Asylum is when a refugee or asylum seeker legally or illegally goes

to another country other than her native. No protection measures are taken for illegal immigrants in the country they go to; however, for refugees and asylum seekers, protection measures are taken. At the same time, the administrative process for the return (repatriation) of the illegal immigrant is carried out, but for refugees and asylum seekers, administrative procedures such as refoulement, social integration, or resettlement to a third country are applied. (Deniz, 2014: 177-178; Habitat for humanity, 2022; UNHCR, 2016).

The concept of vulnerable immigrants has emerged to address the human rights situation of migrants who are not considered refugees but still need specific protection interventions. Migrants are not inherently vulnerable but can find themselves in vulnerable situations due to reasons for leaving their country, the conditions they travel to or the conditions they encounter on arrival, or personal circumstances, such as their age, disability, or health. Therefore, vulnerable immigrants cannot effectively benefit from human rights, are at increased risk of violations and abuses, and consequently have the right to demand the high due diligence of a duty bearer (OHCHR, 2022b).

An estimated 281 million people, or about 3.6% of the world's population, currently live outside their country of origin. An increasing number of migrants have to leave their homes for different reasons. Human rights violations for migrants can be in the form of civil and political rights denial, such as arbitrary detention, torture, or lack of legal process, and economic, social, and cultural rights, such as health, housing, or education rights, can also be inadequate. Denial of immigration rights is often closely linked to discriminatory laws and extreme prejudice or foreign hostility attitudes (OHCHR, 2022a).

The United Nations Convention on the Status of Refugees, which forms the basis of the legal legislation on immigration, does not explicitly cover the issue of refugees with disabilities. Studies on international asylum norms started in 1951. The United Nations Convention on the Rights of Persons with Disabilities was accepted in 2006; however, refugees with disabilities were not mentioned in either convention. On a global scale, this half-century delay in refugees with disabilities has also delayed focusing on a unified concept of disability (Alsancak & Kutlu, 2020: 593).

The United Nations Convention on Human Rights (UNCRPD) was adopted on December 21, 2006, as the first comprehensive human rights contract of the 21st century and entered into force on May 3, 2008. The Executive Committee of the United

Nations High Commissioner for Refugees (UNHCR) has prepared a report with recommendations to ensure the equality of conditions between disabled and unobstructed refugees for members who signed the International Convention on Disability Rights in 2010. Some of the recommendations in the report mentioned include:

- To protect refugees and disabled against all kinds of discrimination and provide sustainable and appropriate support to meet all their needs,
- To raise awareness of disability issues and respect the rights of disabled persons by training in the needs, rights, and capabilities of refugees and disabled persons,
- To complete the registration quickly and systematically to identify the protection and assistance needs of refugees and persons with disabilities and pay particular attention to those who cannot communicate their needs,
- To ensure that states include refugees and persons with disabilities in relevant policies and programs and their access to services,
- To ensure the participation of refugees and disabled persons through appropriate consultations with UNHCR members and all relevant partners in the design and implementation of relevant services and programs,
- To encourage states to adequately disclose information, procedures, decisions, and policies so that they are accessible and understandable for refugees and disabled persons,
- To ensure that disabled women and children protected and helped by the UNHCR are included in the programs to prevent and intervene in sexual and gender-based violence and other forms of exploitation.
- Adopting and applying appropriate accessibility standards, with priority in emergencies, and ensuring that all general services are accessible to persons with disabilities,
- To work to ensure that refugees with disabilities have equal opportunities to find permanent solutions to their problems and to cooperate in providing appropriate support,
- The awareness of disability must be included in policy guidelines and training programs. These recommendations are presented as a summary of the articles containing the results suggestions and encouraging the participating countries (Alsancak & Kutlu, 2020: 593).

The European Union has included many legal arrangements for the protection of people with disabilities in the adoption of asylum seekers. In line with the 2003/9 EU Directive published by the European Commission, member states are obliged to provide asylum seekers with special needs, especially medical needs, and other assistance. Beduschi-Ortiz (2010) states that the situation in EU member states is particularly worrying regarding the reception and detention of asylum seekers with disabilities (Beduschi-Ortiz, 2010, as cited in Alsancak & Kutlu, 2020: 593-594). According to the 2003 EU Directive, minimum living standards must be guaranteed for health conditions and economic livelihood during the asylum application process of disabled asylum seekers under administrative supervision. The directive has referred to the obligation to consider the particular circumstances of vulnerable asylum seekers, including those with disabilities. Furthermore, Directive 2003 has not stated the obligation to make reasonable adjustments in the working environment to facilitate the integration of refugee workers with disabilities. In addition, the European Court of Human Rights has made it clear that the only criteria that determine the scope of an adult's application for assistance should not be citizenship, but there has been no explanation of social security (Beduschi-Ortiz, 2010, as cited in Alsancak & Kutlu, 2020: 593-594). Therefore, even though some fundamental social rights have been provided by the directive, the situation of a disabled asylum seeker is often seen as unsafe. In Turkey, refugees with disabilities cannot benefit from many rights owned by disabled persons, and different procedures are followed for asylum seekers and those with temporary protection status. Based on the "Law on Pensions to the Needy, Powerless and Orphan Turkish Citizens Over 65" dated 1976, given within the body of the Ministry of Family, Labor and Social Services, and enacted in 2013, numbered 2022, "Over 65 Needy, Weak and Orphan Turkish Citizens and Disabled Persons". In accordance with the "Regulation on Pensions to Turkish Citizens in Need," in order to benefit from the disability and elderly care pension, it is necessary to be a Turkish citizen. Regarding the general health insurance for refugees in Turkey, according to the International Protection Law No. 6458 on Foreigners, those who do not have any health insurance and cannot afford to pay are subject to the provisions of the Social Insurance and General Health Insurance Law and can benefit from the general health insurance. However, this is not the same for all statuses. It is not said that individuals benefit equally from their health rights because there are difficulties in determining the status of individuals who migrate

to Turkey. On the other hand, the assistance policies developed for asylum seekers and those with temporary protection status do not have a system for reaching all disabled refugees. These gaps in international and national legislation do not address the current problems of the disabled and prevent problems from being seen. The problems of disabled refugees should be examined, and provided access to services and rights (Alsancak & Kutlu, 2020: 593-594).

People with disabilities are primarily experiencing problems in accessing education and health services; they are experiencing problems with communication and economic problems based on unemployment. In addition, they face problems such as difficulties in accessing needed devices, exposure to abuse of their environment, difficulty in accessing legal rights, social isolation, social stigma, and discrimination (Alsancak & Kutlu, 2020: 591).

Refugees are the poor in the country they migrate to. Due to economic inadequacies, disabled refugees do not have social security because they do not work due to their health conditions. This double disadvantage must be addressed and resolved in integration policies with a rights-based approach. The legislation, which includes working rights, must be restructured in a way that disabled refugees participate in the labour market and create employment opportunities (Alsancak & Kutlu, 2020: 596).

## 5. REFUGEES WITH DISABILITIES IN THE WORLD

While the international norm framework widely recognizes the importance of addressing the needs of disabled people in human rights and development, historically, it has ignored sub-groups within disabled people in the context of migration, including disabled migrant workers and refugees (UN, 2022a).

The situation of refugees has at least two touchpoints that can be easily understood by the issue of disability. First, these people have had to leave their countries to avoid wars, armed conflicts, political atrocities, and so on. In other words, people who have been exposed to violence are at close range. All the hazards and risks it faces are a factor that causes disability. Secondly, even if refugees have settled in the host country, they must, in all cases, deal with the various challenges that make them particularly vulnerable.

The additional obstacles a refugee with disabilities faces must also be assessed according to this background. In this context, the physical and mental

integrity required by immigration laws is bureaucratic.

Detailed figures for the number of refugees are unavailable, or part-by-piece information is not up to date. However, it can be quoted from several numbers to indicate the scale of the problem. According to a United Nations High Commissioner for Refugees (UNHCR) report, at the end of 1986, 22 projects related to the disabled were in the process of implementing a total expenditure of \$983.396. These projects were carried out in Africa, Asia, Europe, and Latin America and the total number of beneficiaries was 10,755. These 22 projects covered 19 countries and served twice as many people in 1986 as in the previous year. Even then, Pakistan was the country with the most disabled refugees (3,088 mentally disabled, 4,050 physical disabilities). The same report says that 65 percent are physically and organically disabled, 35 percent of the remaining percent suffer from psychiatric disorders, mental regression, or psychosomatic consequences of torture, and up to 300 disabled people reached third-world countries in 1986. The number increased between 1985 and 1986. Some developed countries have signed agreements to accept refugees with disabilities. For example, the Netherlands reported to the Special Report that it launched such a policy in 1978 and expanded its coverage in 1981. Among the reasons for disability, apart from the common causes, the report states that refugees are most affected by poverty, poor health and hygiene, and poor health education. It is also stated that they suffer more than the rest of the population from genetic physical and mental disabilities, innate diseases, inadequate nutrition, and accidents. UNHCR encourages rehabilitation projects by highlighting refugee participation. Although it only provides direct subsidies in exceptional circumstances, it makes a subsidiary of rehabilitation communities an application. Its purpose is always to facilitate the communication of disabled refugees with relevant local associations. It also subsidizes programs and employs tutors, therapists, consultants, and teams. As for employment, [UNHCR] is always trying to place relevant refugees, especially in the off-the-books sector, in small businesses, or through productive participation. The United Nations has been trying to educate disabled persons in five regions, including the Palestinian Refugees in the Near East (UNRWA), Jordan, Lebanon, the Syrian Arab Republic, and the territories occupied by Israel; reports that it provides health and assistance services (UN, 2022b). However, it is known that the UN has insufficient access to the disabled.

## 6. EUROPEAN UNION POLICIES FOR DISABLED IMMIGRANTS

The European Union is a protection zone for people who have escaped persecution or severe damage in their country of origin. Asylum is a fundamental right and an international obligation for countries, as accepted in the 1951 Geneva Convention on protecting refugees. The right to work and employment is a fundamental right guaranteed in article 27 of the UN Convention on the Rights of Persons with Disabilities. Nevertheless, the work of millions of disabled people is far from reality. Throughout the European Union (EU), the possibility of employing disabled persons is much lower than those without disabilities. The latest data at the current EU level is in 2019 and indicates that the chances of employing disabled persons in the EU are 24.4 percent lower than those who are not disabled. Only 50.8% of the disabled are employed, while 75% of the non-disabled are employed. For women with disabilities, the situation is even direr. On average, only 48.3% of women with disabilities are employed. Full-time employment shows only 20.6% of disabled women and 28.5% of disabled men working full-time. The most affected are psychosocial disabled people and mentally disabled people. The barriers to employment contribute to the poverty and social exclusion faced by the disabled. The latest Eurostat figures show that 28.4% of all disabled people in the EU live in poverty. Unemployment can lead to poverty and social exclusion. Obstacles that block access to the employment market are often based on misunderstandings and judgments of one's abilities. Therefore, various levels of work are required to develop legislation and promote positive actions in the labor market (EDF, 2021).

EU obligations:

As a party state to the Convention on the Rights of the UN disabled, the EU and all Member States are obliged to provide the same coverage and quality of support and health services to persons with disabilities, including immigrants with disabilities. CRPD Article 11, "*in accordance with international law obligations to ensure the protection and safety of disabled persons in risk situations, including armed conflict situations, humanitarian emergencies and natural disasters, including the existence of international humanitarian law and international human rights law, they take all necessary precautions,*" addresses the rights of the disabled in risky situations and humanitarian emergencies. In addition, the CRPD also deals with migrants, including non-discrimination, gender equality, access to inclusive education, work and

employment, access to health, accessibility, and social protection. In 2015, the UN Committee on the Rights of the disabled advised the European Union to make the disability of immigration and refugee policies the main factor (EDF, 2020:3).

In the European Union Treaty (European Union, 07.06.2016, C 202/01), "Everyone has the right to live. No one can be sentenced to death or executed. Human dignity is inviolable. It must be respected and protected." In addition, Article 2 of the Treaty on European Union states: "The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to member states in a society where pluralism, non-discrimination, tolerance, justice, solidarity, and equality between women and men prevail. Since the European Union is a union that respects human rights and aims to protect human rights, it should also be able to do its best for disabled immigrants. Critics call the European Union "Fortress Europe"; the borders of the European Union are closely watched as in castles, but this may contradict the basic principles of the European Union. This situation leads to unintentional support of human smuggling and ultimately triggers irregular migration, deepening the refugee crisis (Çakran & Eren, 2017: 22-23). Article 18 of the European Union Treaty, the right to asylum has been touched, and article 78 states that the Union develops a common policy on asylum, secondary protection, and temporary protection to provide an appropriate status for any third country citizen who needs international protection and to ensure compliance with the principle of non-return. This policy must be in accordance with the Geneva Convention on July 28, 1951, and the January 31, 1967 Protocol on the status of refugees and other relevant agreements".

## 7. TURKEY'S IMMIGRATION PROBLEM

According to January 2021 data, the share of refugees in the European Union is 0.6% compared to the total population. In Turkey, the rate is 4.4% (EC 2021b). In 2020, 85% of the global refugee population was hosted in developing countries. Turkey remains the largest host country in the world, almost all of which is home to 3.6 million refugees from Syria (EASO, 2021:19). In other words, Turkey is the country that hosts the most displaced people in the world. However, Turkey has many problems. Turkey is left alone on this issue, especially by developed countries. Despite receiving insufficient support from developed countries,

Turkey tries to meet all services such as education, health, and especially food and shelter needs of immigrants, by making great financial expenditures. Also while developed countries are very selective about hosting immigrants and choose qualified people, they entrust the others to Turkey. These problems can cause significant drawbacks for Turkey. Turkey's efforts to meet alone by making significant financial expenses and the selective treatment of advanced countries on refugee-hosting can cause Turkey considerable difficulties in selecting qualified people and taking them to their own country, and entrusting others to Turkey.

Despite all this, Turkey has mobilized its full power, seeing immigrants as "guests of God" in accordance with its traditions, withholding any help from them, and continuing to do this human duty.

In today's world, millions of people fleeing war and persecution take the risk of arduous journeys that sometimes end in death to apply for asylum in other countries. With the Syrian War, the crisis related to the refugee problem and forced migration, which has not fallen a day from the world's political agenda, is also evident in statistics. According to UNHCR data, by the end of 2017, the number of people forced to be displaced worldwide had reached 68.5 million. Two-thirds of more than 68 million people who have been forced to leave their homes around the world are internally displaced. While 21.3 million people are refugees, 3.2 million

have applied for asylum in developed countries. On average, 24 people are forced to leave their homes per minute.

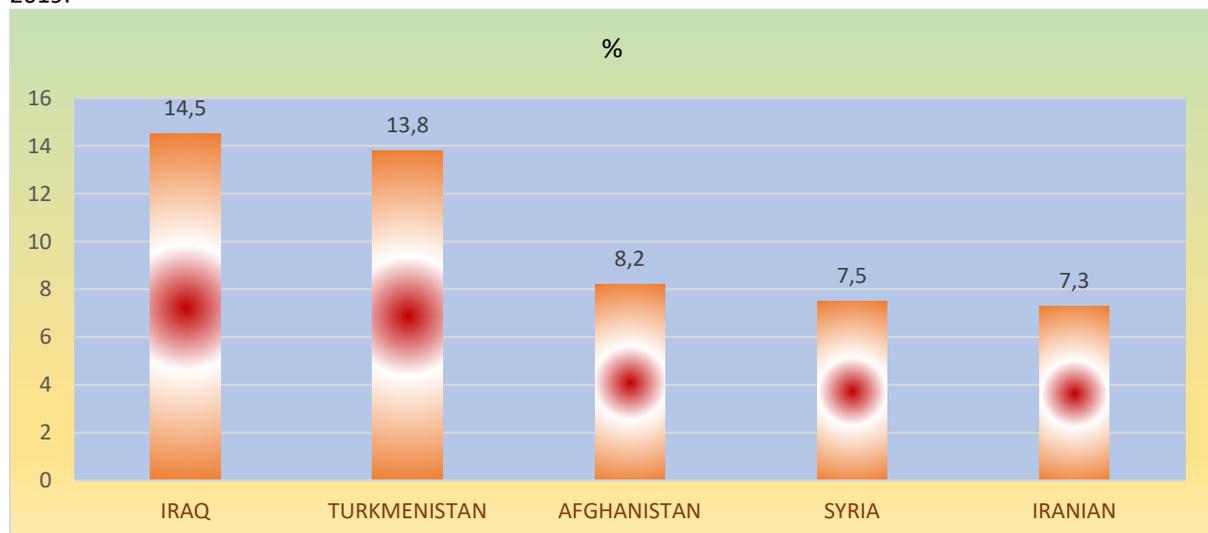
The countries that send the most refugees to foreign countries worldwide are Syria, Afghanistan, and Somalia, respectively, and 54% of refugees come from these three countries.

Therefore, most refugee countries in the world are in the Middle East. The Middle East is not only a refugee-giving area but also a refugee-hosting area. The first four countries (Jordan, Turkey, Pakistan, Lebanon) with the most refugees in the world are neighbouring countries of the region's source countries.

In 2018, the immigration to Turkey was 577,457 people, and the migration from Turkey was 323,918 people. Hence, the net migration that Turkey received was  $(577,457 - 323,918) = 253,539$  people (given the immigration status of Turkey for its citizens: 110,567 Turkish citizens arrived in Turkey in 2018 and 136,740 Turkish citizens left Turkey, so  $-26,173$  people with a clear difference are negative for net migration).

In 2019, the migration to Turkey was 677,042 people, and the migration from Turkey was 330,289 people, so Turkey's net migration  $(677,042 - 330,289) = 346,753$  people (13,691 Turkish citizens included) (TÜİK, 2020).

Figure 1: According to the country of citizenship, the first five countries in Turkey had the most migrations in 2019.

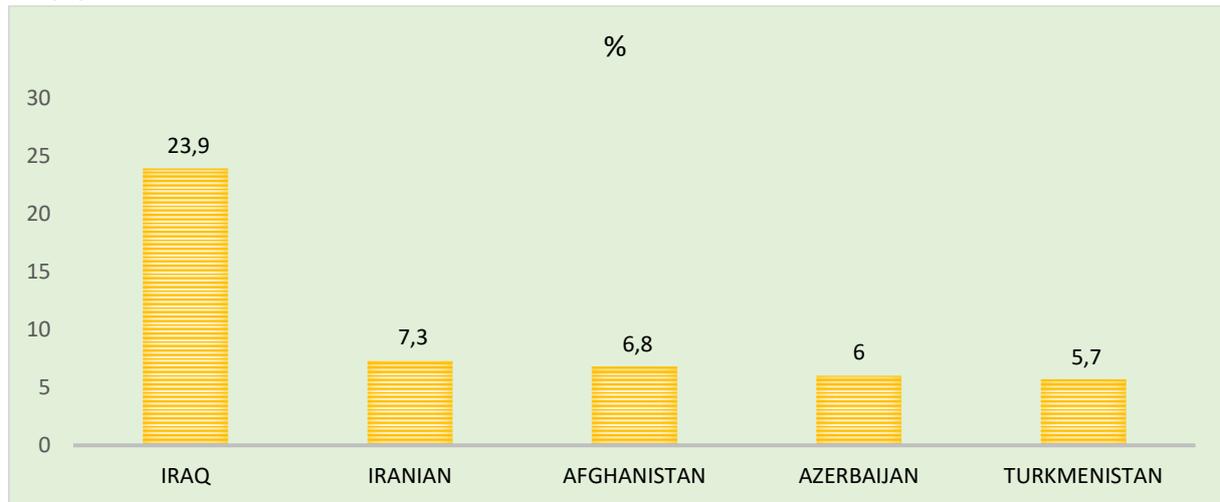


Source: TÜİK, 2020.

As will be seen from Figure 1 data, Iraq (14.5%) was the country of the largest migration to Turkey in 2019, Turkmenistan (13.8%) was ranked second,

Afghanistan (8.2%) in third place, Syria (7.5%) ranked fourth, and Iran (7.3%) ranked fifth (Figure 1).

Figure 2: According to the country of citizenship, the first five countries with the largest migration from Turkey in 2019.



Source: TÜİK, 2020.

In terms of the migration situation from Turkey, it was ranked at 23.9% in first place in Iraq, in second place at 7.3% in Iran, in third place at 6.8% in Afghanistan, in fourth place at 6% in Azerbaijan, and in fifth place in Turkmenistan, 5.7% (Figure 2). As seen from both graphs, Turkmenistan became the country where Turkey received the most net migrations as of 2019 (Turkmenistan Net Migration to Turkey:  $13.8-5.7=8.1$ ).

According to the UN Refugee Agency, more than 98% of refugees in Turkey live outside camps under difficult and often unsafe conditions. Turkey has made commendable efforts to provide registered refugees with access to fundamental rights and services, including education and health. However, after years of dislocation, many refugees have consumed family resources. The cost of life and lack of access to regular income makes it difficult for vulnerable families to meet their basic needs. Some refugees think they have no choice but to resort to harmful coping mechanisms such as child labor, street beggars, or early marriage. Many families live in sub-standard dwellings or reduce food consumption (EC, 2020b).

Turkey is hosting the highest number of refugees; in particular, 98% of Syrian refugees live in cities which can create different effects in cities. In particular, Syrian asylum seekers lead to additional employment, security, housing, and education regulations. (Özer ve Beyazıt, 2020: 557).

## 8. THE DISABLED IN TURKEY

The lack of information about disabled individuals in Turkey, especially the lack of reliable and up-to-date data, is also emphasized in the literature. 2002 Turkey's Disability Research is a common source of

information about the demographic and socioeconomic characteristics of disabled individuals, although it has taken a medical approach to disability. This research determined that 8,431,937 disabled individuals, which make up 12.29% of the Turkish population, were present (Meral ve Turnbull, 2016: 224; UN, 2017:6; İGAM, 2021:13-14).

According to the Washington Group Criteria, in the 2011 Population and Housing Survey conducted more recently; In Turkey, 6.9% of the total population has at least one disability, 3.3% has difficulty walking or climbing stairs, 1.4% has visual difficulties, and 1.1% has hearing difficulties. It was determined that 0.7% had a speaking difficulty, 2% had a learning difficulty, difficulties in making simple calculations, remembering, and concentrating, and 4.1% had difficulties in holding objects. This rate corresponds to approximately 4.9 million disabled individuals, and 57% of them are women and 43% are men. In the non-disabled population, the literacy rate is 95.5%, while in the disabled population, it is 76.7%. Women with disabilities have lower education levels than men in all education categories. In Turkey, the proportion of people with disabilities joining the workforce is very low for healthy individuals. Participation in the general workforce is 47.5% (69.2% for men and 25.9% for women). However, it is estimated that the participation of disabled people in the workforce is 22.1% (35.4% for men and 12.5% for women) (UN, 2017:6; İGAM, 2021:13-14).

Disabled people face numerous obstacles that can begin early in life and, when dealt with together, significantly affect their capacity to find a decent job (ILO-OECD, 2018:6). In other words, disabled face many obstacles and costs before they fulfill their

desire to live a normal life. There is a wide range of costs associated with disability. Disabled people need extra resources to lead a normal life. Their needs vary depending on their personal situation and the type and severity of their disability. Individuals with disabilities may need to purchase additional resources and/or services to help them in their daily lives. At first glance, the cost of disability can be met by individuals, families, states, and community organizations. A disabled person's family and caregivers can help meet the social and economic costs of disability. State and community organizations are obliged to endure costs as a necessity of social protection so that they can provide resources and services to disabled people. The state should plan well to help those disability costs to give people with working-age disabilities the opportunity to enjoy a normal life (New Zealand, Ministry of Social Development).

## 9. REFUGEES WITH DISABILITIES IN TURKEY

In 2017, the International War victims of disability Summit in Turkey discussed and showed remarkable data on refugee war victims with disabilities in Turkey. For example, one of these studies was done by İncetahtacı (2017): "Situation Analysis and numerical Data for Syrian refugees living in Gaziantep; a Child-focused Assessment," which determined that 38.1% of Syrian refugee children with disabilities are physically disabled; 46.4% are disabled due to innate anomalies (İncetahtacı, 2017:154, as cited in Alsancak & Kutlu, 2020: 593). These disability situations emerge as an extension of the trauma of war, and the resulting victimization brings to mind the problems of accessing rights (Alsancak & Kutlu, 2020:593).

In the study conducted by Kaya (2017), it was determined that there were no studies and statistics on disabled refugees in Şanlıurfa. The study states that refugees with disabilities are individuals who have fought both civil and internal studies, who are individuals in different categories of age and gender, and who have types of physical, visual, auditory, language, and speech disorders. According to information provided by the head of the Human Association, a Syrian-based association, it was among the information obtained in the study applied to associations of around 200 war victims per month. According to the association's statistical data from 2016, 1,500 disabled persons who have been supported by them in Şanlıurfa are among the findings of the study, including bodily obstacles, long losses, paralysis, psychological trauma, loss of speech due to fear and attempted suicide from despair (Kaya, 2017:132).

The issue of social acceptance and integration of Syrian immigrants who took refuge in Turkey is of critical importance in the context of the peaceful coexistence of both local people and immigrants. The same applies to disabled immigrants who are victims of war. It should also be noted that disabled immigrants are more psychologically sensitive than other immigrants (Kaya, 2017:133).

Studies show that people with disabilities are mostly in the poorest parts of societies around the world, and they live in poverty (Öztürk, 2011, as cited in Kaya, 2017:138). Poverty makes it difficult for people with disabilities to live in functional integrity with the community they live in, leaving them with health and social problems, making them difficult to maintain due to their disability, and making them unable to meet their basic human needs. Moreover, poverty conditions combined with refugee and disability result in disabled people dropping their education. According to the research results by Kaya (2017), a significant number of migrants face considerable poverty caused by unemployment due to high unemployment and poor employment opportunities in Şanlıurfa, and unemployment can be an essential factor that triggers the crisis. (Kaya, 2017:138). Disabled individuals experience three key labeling processes in the social and historical transformation. The first one is called "threat", the second one is "load," and the third one is "powerless". These adverse qualifications are shaped together with "exclusion" and "deprivation" in various forms. These negative social attitudes lead to the exclusion of the disabled and the inability to participate effectively in social life. Disabled people who are stamped, isolated from society, and even feel hostile are often deprived of physical, social, economic, and cultural opportunities that can uncover their current potential (Burcu, 2015:16, as cited in Kaya, 2017:139); (Arıkan, 2002:14-15, as cited in Kaya, 2017:139).

## 10. EMPLOYMENT PROBLEMS FOR DISABLED REFUGEES

According to the results of the research on the protection needs of disabled refugees in Turkey in 2021, 76.7% of their respondents stated that they did not "work" before coming to Turkey, 18% said they were working full-time jobs, and 5.3% said they were working part-time jobs. Currently, only one participant is working a full-time job, and 9.3% are working part-time jobs, and 90% are unemployed (İGAM, 2021: 6, 37).

Most disabled immigrants complain that they do not have a regular work life. Some disabled migrants

said they regularly worked before coming to Turkey, but they said that almost all the people currently working in Turkey are working without a work permit. While the inability to employ disabled people is related to disability, often the lack of appropriate job opportunities is more related to the lack of accessible information, accessible environmental conditions, and appropriate tools (İGAM, 2021: 37).

Many participants said they were considered unemployable because they were migrants, which led to a lack of confidence. Some participants said they wanted to work but could not find work due to movement restrictions and accessibility issues. The participants in the study stated that they could work irregularly in the shoemaking, textile, and clothing sectors, as well as cleaning, tailors, and packaging. In the study, compared to Kayseri and Ankara, the province in which refugees with disabilities can work the most was determined as Izmir. There are more male participants who have indicated that they are already working on a job than female participants. Male refugees have more access to employment than women refugees (İGAM, 2021: 37). According to other results obtained in the study, the availability of suitable transportation tools to go to work is not seen as a significant problem by the majority. Regarding accessibility, 62.6% of respondents say they do not consider having suitable means of transportation to work a major problem. However, 80.7% think that they may have problems with reasons other than transportation due to the distance between the location of the place they live and the workplace location (İGAM, 2021: 38).

51% of respondents reported that they did not have sufficient income and did not receive financial support; 43% reported that their income was insufficient but that they received help from the state and other organizations. In addition, all female participants (100%) and close to all male participants (95.9%) stated that they could not find the material resources to support the disability due to the lack of regular income.

While finding work or regular income is a big problem for most participants, it is important to note that many people are receiving financial support from the Social Compliance assistance (SUY) program, especially within the scope of the Emergency Social Safety Net (ESSN), which is implemented by the Turkish Red CRESCENT (KIZILAY). This large-scale cash assistance program complements existing national welfare programs to ensure that refugees registered in Turkey meet their basic needs. The program is financed by the EU and

member states and is run by the relevant ministries, Migration Administration and KIZILAY. The program pays 155 TL for each of the family members via a bank card called "Kızılaykart" to refugee households who meet the conditions under ESSN and who show the disability status of one or more family members, and they are asked to submit a disability report (40% or more) from the public hospital. In 2020, 1.7 million people who took advantage of ESSN were people with an estimated 10,093 beneficial disabilities, and 59% were men and 41% were women (WFP, 2020: 4,11; İGAM, 2021: 39; EC, 2020a).

KIZILAY has been the most supportive organization of the participants in all research regions thanks to the ESSN program. Participants expressed that some municipalities have provided financial and other kinds of assistance to disabled refugees. However, municipalities often do not provide direct assistance to disabled refugees, and refugees are included in the projects where municipalities participate as application partners (İGAM, 2021: 40).

## 11. OTHER PROBLEMS WITH REFUGEES WITH DISABILITIES

Some of the results of the research conducted by the Asylum and Migration Research Centre (İGAM) by interviewing 285 disabled refugees in 2021 are given below:

Refugees have problems with housing, have to live in adverse conditions, and have to live in homes that are not suitable for them according to income levels (İGAM, 2021:6). Since Syrian refugees generally prefer to live together, they have led to the emergence of mostly Syrian neighbourhoods in cities. Syrians generally work in low-paid and unskilled jobs and prefer to live in slums around cities (Özer & Beyazıt, 2020: 554).

In the study, many participants stated that their income is below the minimum wage. Only one of the respondents stated that they were working full-time, only 9.3% reported that they were working part-time, and the remaining majority indicated that they were unemployed. As we have stated in the above sections, the reasons for this study are that the disabled are unemployed, as well as being disabled there is no supporting job opportunities, accessible information, environment, and transportation tools. Many disabled consider themselves "unemployable" because they are both disabled and migrant, which causes them to lack confidence (İGAM, 2021:6).

The majority of research participants have indicated that they often need access to health care and are generally satisfied with the services provided (İGAM, 2021:6). It should be added that persons with disabilities have the right to access not only the same health services as others, but also disability-specific health services such as therapy and rehabilitation, assistive devices, and particular surgical or medical interventions (Pearce, 2015:469). The two most mentioned obstacles to accessing health care are financial difficulties and language barriers. (İGAM, 2021:6).

The research revealed the issue that could pose a significant problem for Turkey in the future. According to this, 84.7% of respondents do not continue to any school or private education centre in Turkey, even though they are of university/school age. The rate of those who go to school - university is 10%, and the rate of those who go to a Special Education Centre is 5.3%. It is thought that these individuals, who are mostly uneducated, may cause social problems in the future if they continue to stay in Turkey. In summary, it is understood that most participants have no interest in any educational institution. Other difficulties with distance and transportation to school/university, for example, inaccessibility and financial cost, language barrier, and access to education and private education centres have been identified as problems. Among the issues mentioned, most participants, except for a few who have access to special services, such as private education and rehabilitation centres, have expressed that they have no knowledge of or access to these services (İGAM, 2021:6-7).

Regarding social inclusion/exclusion, the participants have used the phrase "No one hears our voices" most often, which summarizes how disabled refugees perceive participation in social life. Many participants said they were neglected and that their psychosocial situation worsened. The participants do not have the support of the relevant institutions. They also expressed their dissatisfaction with discrimination. They stated that the perception of "being a refugee" in people causes them to be exposed to discrimination. Refugees have stated that they face discrimination in the workplace and social life while receiving services. In the survey results used in the study, nationality (59.3%) and immigration (34%) were the main issues associated with discrimination (İGAM, 2021:7).

Disabled individuals who participated in the study said they had limited or no knowledge of their rights but did not know where to get information. Some participants have indicated that they want

information from different institutions but are not sufficiently informed about the legal framework (İGAM, 2021:7).

83.3% of respondents said they had no idea about non-governmental organizations advocating for their disabled rights. The disconnect between refugees, refugee organizations, disability organizations, and disability services providers has created gaps in assistance services and social areas for refugees with disabilities (İGAM, 2021:7).

#### **Recommendations for refugees with disabilities:**

There are some organizations that have developed solutions for the large number of challenges faced by refugees with disabilities. For example, within the scope of the commitments accepted in the Global Compact on Refugees, it is recommended to adopt a proactive approach to refugee-hosting countries such as Turkey for all people in need, especially in addressing protection and access difficulties for refugees with disabilities. It is expected that the commitments to prioritize and increase resettlement opportunities in third countries will be fulfilled (İGAM, 2021:7).

At the general and local level of public authorities in Turkey, it is also encouraged to make it easier for disabled people to access essential services and prioritize overcoming employment and social life challenges. In this context, the strategy and policies that are expanded individually for refugees with disabilities must be shaped. In addition, the United Nations organizations, other international organizations, and government and non-government stakeholders need to be facilitated by legal employment to minimize the financial problems of disabled refugees (İGAM, 2021:7-8).

The source and network share must be initiated between refugee organizations, disabled organizations, disabled service providers, and other stakeholders with special units for disabled persons (e.g., municipalities), refugee organizations, and service organizations for disabled persons, so a dialog should be established. In refugee communities hosting disabled refugees, disabled people and their families should be able to provide opportunities to improve communication and social networks (İGAM, 2021: 8).

#### **CONCLUSION**

Turkey is doing its best for the employment of people with disabilities. It continues its humanitarian aid services for disabled refugees without any discrimination. Turkey is also taking a social protectionist stance in refugee employment

with disabilities and is making a significant effort for their health and employment access conditions. The right and freedom of the disabled to live humanly is the responsibility of all countries. Immigrants with disabilities are people who need to be protected and given importance in terms of providing material, physical, and social assistance to many receiving countries, creating suitable environmental conditions for them, finding a suitable job for them, and leading a decent and dignified life that can contribute to the economy. Therefore, the European Union's contribution to the employment of disabled immigrants in Turkey, not leaving Turkey alone, within the framework of the decisions taken by the European Commission and the United Nations employment of especially disabled immigrants in Europe, and lightening Turkey's burden on this issue are necessary. However, the Republic of Turkey will continue to support disabled immigrants, as well as all migrants.

If the migration problem continues, the problems of disabled refugees will probably continue. However, if refugees with disabilities continue to live in Turkey, they should be prevented from feeling like a burden to their families, and they should be helped to be employed or build a business that fits their abilities. Turkey should also see this assistance from the surrounding countries and the European Union, which is one step ahead of Turkey. We also believe that it will be an essential step toward providing people with human life in the Middle East, Europe, and the World, with the opening of the way for disabled individuals to be employed not only in Turkey but also by the European Union or to start their own business.

Persons with disabilities should be given skills training to find a job and start their own businesses.

Housing purchasing resources should be created for the disabled. Local housing programs should be produced, and they should be provided with suitable housing to live in.

In the international literature on disabled immigrants, it is emphasized that women and girls should be specially protected.

Individuals with disabilities should be offered face-to-face consultation, training, support, and services to help them find jobs and stay in their jobs. This service can be done by establishing disability living Centres on a regional basis.

Employing people with disabilities or health problems can help people, their businesses, and the community. Many businesses believe that having a diverse workforce makes sense and improves employee culture and profitability.

In order to increase the employment of disabled people, the way should be opened for disabled people to have the skills and abilities to create labour demand in employers. Employers should raise awareness so that people with disabilities can contribute to production by working well, have lower absenteeism rates, and become more conscious about health and safety issues. All kinds of instruments and resources should be provided to employers who want to employ people with disabilities and health problems.

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