



***Tackling hate crime, domestic and sexual abuse
against Deaf and Disabled people***

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New Plan for Immigration: Stay Safe East response to stakeholder questionnaire

Stay Safe East is a disabled people's organisation, providing specialist and holistic advocacy and support services to disabled people from diverse communities in London who are survivors of violence against women and girls (VAWG) including domestic or sexual violence, and of hate crime, harassment and other forms of abuse and more broadly promoting the human rights of Deaf and disabled people. The experience of our service users, members and staff offers insights into the needs of the numerous refugees, asylum-seekers and victims of trafficking who are disabled persons.

We will focus on questions 1, 42 and 45 in the stakeholder questionnaire on [New Plan for Immigration](#). We have responded in a separate document due to the inaccessibility of the consultation document.

1. Overall, how far do you support or oppose what is being said here?

Strongly oppose.

42. Areas where we feel intended reforms present disproportionate impacts on individuals protected by the Equality Act

We will focus on people with the protected characteristic of disability, including:

- The numerous asylum-seekers, refugees and victims of trafficking who become disabled as a result of persecution or violence, including:

- people with long-term mental health issues arising from trauma (which can have profound effects, as UK official guidance and the related evidence base) and/or major loss (including multiple bereavement without adequate opportunity to mourn or sometimes rejection by family or community leaders because of stigmatised identity or beliefs);
- and/or physical impairment/injury;
- Those who are targeted because they are disabled (we note that it was confirmed in 2020 that, in UK asylum law, a “person living with disability or mental ill-health” may qualify as a member of a particular social group under the Refugee Convention 1951 ([https://www.duncanlewis.co.uk/Reported_Case/DH_\(Particular_Social_Group_Mental_Health\)_Afghanistan_\[2020\]_UKUT_223_\(IAC\)_\(03_June_2020\)_\(24_August_2020\).html](https://www.duncanlewis.co.uk/Reported_Case/DH_(Particular_Social_Group_Mental_Health)_Afghanistan_[2020]_UKUT_223_(IAC)_(03_June_2020)_(24_August_2020).html) or <https://www.bailii.org/uk/cases/UKUT/IAC/2020/223.html>);
- Those who are already disabled and targeted for another reason, though disability may profoundly affect their experience, including their ability to obtain and process information and communicate, especially in inaccessible situations.

Within this category, we will also refer to specific disadvantages which may arise from other protected characteristics, including sex, race, sexual orientation and gender reassignment. We are seriously concerned by the risk of grave unfairness to people who have already suffered greatly and are in a vulnerable position.

We will not address the issue of unequal impact comprehensively but rather give examples.

Disrupting Criminal Networks and Reforming the Asylum System (Chapter 4)

The proposals appear to assume that those genuinely fleeing war and persecution, by and large, should be able to arrive in the UK by regular routes, using proper documentation, and disclose all relevant aspects of their experience in initial interviews to officials in the first “safe country” where

they arrive. Yet the realities for disabled people escaping fear, violence and humiliation – even in the country where they are settled, with a familiar language and culture, let alone those going further – are often very different.

The UK government’s brief ‘Mental health: migrant health guide’ (<https://www.gov.uk/guidance/mental-health-migrant-health-guide>) and the World Health Organization (WHO) [guidance note](#) to which it refers, helpfully outline some of the relevant factors. These outline how refugees and asylum-seekers may feel overwhelmed or confused and distressed; may feel fearful or anxious, or numb and detached; and have reactions that affect their functioning and thinking capacities. It is worth noting that physical ill health (e.g. untreated infections or dehydration resulting in confusion) and assorted other impairments may be relevant too.

For numerous women and girls, there may be a gender-based component. ‘Violence against Women and Girls in Humanitarian Emergencies’, a DFID Briefing Paper from 2013, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/271932/VAWG-humanitarian-emergencies.pdf. There may be less visible yet still damaging targeting at other times, e.g. repeated sexualised harassment or threats against dissidents or women from religious or ethnic minorities, “corrective rape” of lesbians. This may intensify mental distress and difficulty in communicating about what has happened, especially because of stigma.

Even as a specialist agency adapted to various access needs, and where women who have faced gender-based violence are usually supported by women advocates, many of those we work with require repeated conversations, often over a long period of time, before they can fully disclose what has been done to them. Some, especially if kept isolated within a family home or institution, have limited knowledge of systems which might safeguard or support them, even in the land they have lived in all or most of their lives. Others may have repeatedly been let down, making it harder to build trust. The challenge is greater still for those who have fled from horrific situations overseas.

It is proposed that “those who arrive in the UK, having passed through safe countries, or who have a connection to a safe country where they could have claimed asylum, will be considered inadmissible to the UK’s asylum system”

and may face rapid removal. Yet it is unreasonable to expect someone experiencing mental distress with the effects described above, and many other disabled people (e.g. those with learning disabilities, cognitive impairments, autism in an unfamiliar and overwhelming environment, who have sensory impairment or who are Deaf), to obtain reliable information on which countries are safe or, having reached such a country, immediately to communicate all relevant aspects of one's situation to an official.

Furthermore, a "safe" country may be perceived or experienced as unsafe, for instance if an interpreter seems prejudiced or appears to be interpreting inaccurately or if bullying in a hostel or detention centre worsens trauma (for disabled people, in particular, escaping or resisting victimisation in such settings can be near-impossible).

And there may be an understandable wish, for those who have lost much, to be with relatives, friends or communities in the UK with which they have a connection, so that they can receive the necessary support and rebuild their lives. The key importance of social support is acknowledged in the documents above and other relevant guidance and research. There may be opportunities here to worship locally with others of one's own beliefs in familiar rituals and buy food familiar to one's ethnic group. When someone's world has been torn apart by violence, enduring relationships can become critically important.

There may also be practical needs associated with impairment, whereas being stranded in a place without trustworthy connections and culturally appropriate care could be disorientating and damaging. In this regard, substandard or offshore detention centres could be disproportionately harmful for disabled people.

The proposal that refugees might be left in a state of permanent uncertainty, with the risk that an offence carrying a sentence of a year's imprisonment or more might result in deportation, is extremely harsh and is likely to exacerbate mental ill health if put into practice. It may also increase the risk of further abuse of disabled people in a prison/detention setting. This may include non-violent offences and those involving lesser culpability, in which someone is involved through coercion, intimidation or exploitation with limited awareness or understanding of offence. A refugee's spouse and children would also be affected by ongoing insecurity.

We have seen all too many cases of victimisation of disabled people. Stay Safe East has supported disabled people who have been ‘cuckooed’ by gangs and coerced into crime. This provision might well be exploited by, for instance, criminal gangs or unscrupulous employers who might threaten a refugee settled here with being reported to the police for a non-existent crime if the victim does not give in to their demands.

Setting a higher standard for testing whether an individual has a well-founded fear of persecution and making it harder for some children to be accepted as such, may disproportionately affect those whose disability may affect their communication or who may unconsciously be seen as less credible, e.g. if they do not fit common stereotypes of being gay, as can sometimes happen for disabled people, compounded by cultural/ethnic difference.

Streamlining Asylum Claims and Appeals (Chapter 5)

It is proposed that “A new ‘one-stop’ process will require people to raise all protection-related issues upfront and have these considered together and ahead of an appeal hearing where applicable”, including “grounds for asylum, human rights or referral as a potential victim of modern slavery. People who claim for any form of protection will be issued with a ‘one-stop’ notice, requiring them to bring forward all relevant matters in one go at the start of the process... decision makers, including judges, should give minimal weight to evidence that a person brings after they have been through the ‘one-stop’ process, unless there is good reason.”

As explained above, this would have a disproportionate impact on disabled people, including those with mental health issues often arising from or made worse by, trauma or loss; and others with impaired ability to understand processes and/or articulate their case (especially in inaccessible settings). For example it may be unrealistic to require someone with post-traumatic stress disorder after almost unspeakable suffering to provide a detailed and consistent account and instruct representatives promptly. Nor would a person with a learning disability or cognitive necessarily be able to give a fully consistent and linear account of the persecution they are fleeing – our advocates have experienced this many times with our clients who tell their story in a disjointed manner over time, once they trust that they will be heard and are safe.

For disabled people who have interiorised societal scorn or hatred, women and girls who have been sexually assaulted and those abused for being lesbian, gay, bisexual and transgender, there may be deep-seated feelings of shame or guilt and some may take a while to find words to describe what has happened to them and the impact.

Extending 'Fixed Recoverable Costs' to apply to immigration-related judicial reviews could also have a disproportionate effect on disabled people, whose (on average) lower earning capacity might make it harder to fund action or repay any loans obtained.

Supporting Victims of Modern Slavery (Chapter 6)

It is stated that "illegal migrants who have travelled to the UK from safe countries have sought modern slavery referrals" and proposals include "distinguishing more effectively between genuine and vexatious accounts of modern slavery". Claims may be treated as less credible after "carefully considering the implications of contradictions and previous opportunities to have raised modern slavery matters."

Many people who are trafficked are disabled people who may be regarded as less "useful" by their parents or easier to trick or intimidate by traffickers. Women and girls will frequently have been brought up to obey and subjected to, or witnessed, gender-based contempt or violence. They will often have had minimal education; many may be illiterate. Those who control victims' lives have great power over them and they may be traumatised and fearful about trying to break free. So it is fully understandable that victims of modern slavery may have failed to lodge claims in the first "safe country" in which they arrived and that their disclosure of their suffering may be gradual and possibly contradictory.

Chapter 7: Disrupting Criminal Networks Behind People Smuggling

According to the proposals, "It is unacceptable that people seeking to enter our country illegally, including those who have crossed the Channel by small boat, are not appropriately penalised for breaking the law." There are plans to "Introduce tougher criminal offences for those attempting to enter the UK illegally including raising the penalty for illegal entry." In chapter 1, varieties of

“irregular arrivals” had been outlined, including “Arrivals by air without documentation”.

This is unduly harsh and, for the reasons outlined above, would be discriminatory towards disabled people, including those with mental health issues, learning disabilities and cognitive impairments and who may be additionally at risk due to multiple protected characteristics. We would add that processes for obtaining authorisation are often inaccessible; and that travelling with one’s papers (if any) under one’s own name may be extremely dangerous, for instance for dissidents or those who might be recognisable by their names as belonging to a persecuted minority.

The plan also proposes potential life imprisonment for “those who facilitate illegal entry”, which may penalise not only criminal gangs but also relatives, friends and community members of asylum-seekers fleeing violence and who act with no expectation of gain (indeed sometimes at expense to themselves). In some ethnic communities, there may be relevant cultural obligations. For example, if one’s cousin has been arrested, killed or is missing, leaving a daughter with learning disabilities at grave risk of being sexually assaulted by soldiers or preyed on in a refugee camp where abuse of various kinds is common, some people may feel a sense of duty to try to bring her to where she might be cared for and supported. Harsh penalties in such circumstances would seem disproportionate.

Introduction of an Electronic Travel Authorisation Scheme (ETA) in which “before a person travels to the UK for a visit, they will need to apply for permission where aspects of any criminality must be provided through self-declaration” and also extension of the Carrier Liability Scheme are also proposed. However, the ETA process may be largely inaccessible; and it may be unclear to disabled and other applicants how any convictions arising from discriminatory laws, or because of false accusation on the basis of an aspect of their identity and unjust conviction, might be treated. And making airlines or other carriers even more wary of allowing people fleeing violence into this country may leave some disabled travellers stranded in unsafe situations.

Enforcing Removals including Foreign National Offenders (FNOs) (Chapter 8)

Various measures are proposed for speedier removal processes. However, rushed procedures would place some disabled people at an unfair

disadvantage. For example, if a Deaf person uses a form of sign language other than BSL, just finding support from an experienced organisation who can communicate with the Deaf person using in their own Sign Language, and who have access to interpreters who can interpret accurately on immigration matters may take some time.

The examples above outline just some of the ways in which intended reforms may have a disproportionate impact on individuals protected by the Equality Act.

45. Is there any other feedback on the New Plan for Immigration content that you would like to submit as part of this consultation?

Those who are (or are descended from) disabled people who have arrived in the UK as refugees, asylum-seekers or victims of trafficking have contributed much to the wellbeing of this country and will continue to do so, especially if fewer obstacles are placed in the way of people fleeing persecution and violence. While various anecdotes are given in the Plan of cases where the system has allegedly been abused, numerous stories could be told of people who have had to struggle to be properly heard and to re-establish their lives after terrible suffering – and also of how British people of all ethnic groups have benefited from what their neighbours may offer. As an organisation working with victims of hate crime, we are extremely concerned that a focus on alleged abuse of the system will increase the already rising numbers of hate crimes such as that which led to the murders in Bristol of Bijan Ebrahimi, a disabled refugee and of Kamil Ahmad, a disabled asylum seeker, and has blighted the lives of many victims. We have been constrained here by wishing to keep this submission fairly brief and by confidentiality.

The best way to reduce the number of people arriving by often unsafe means might perhaps be increasing commitment to equality and human rights internationally. For the UK to promote such values in a way which carries weight, it is helpful to set an example of good practice.

Stay Safe East
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