

Position Paper

Persons with disabilities in the asylum procedure

Enabling accessibility and participation independent from the residence status



NOW! Not without the We

About us

„NOW! Not without the We“ is the self-advocacy organisation of refugees with disabilities. We are refugees ourselves and we have a disability. Since our arrival in Germany we have been facing barriers. But in our group we find solidarity and understanding. We mutually strengthen each other and work together for an inclusive society.

We ensure that refugees with disabilities and their families can live better lives in Germany.

Persons with disabilities who are asylum seekers or whose deportation has been suspended face many discriminations while their asylum procedure is pending. Their access to health care is restricted, accommodation is often not suitable for persons with disabilities and there are many barriers. The benefits according to the Asylum Seekers' Benefits Law (Asylbewerberleistungsgesetz – AsylbLG) do not cover many of the specific needs of persons with disabilities. Many persons with disabilities also have difficulties in taking part in language or integration courses, as they are often not accessible to them.

The lives of persons with disabilities who are asylum seekers or whose deportation has been suspended are characterised by barriers in many areas. These are a heavy burden for these persons with regard to their lives and their future perspectives.

Problems

The Asylum Seekers' Benefits Law (AsylbLG) heavily restricts the payment of health, social and participation benefits for asylum seekers and persons whose deportation has been suspended. This is particularly serious with regard to medical care. Persons receiving benefits according to the Asylum Seekers' Benefits Law often first need a so-called medical treatment certificate (Krankenbehandlungsschein) before they can see a doctor. As this certificate is obligatory, seeing a doctor becomes rather complicated. Often they first have to go to the Social Services Department (Sozialamt) and the visit has to be approved by persons who are not medical experts.

Persons with disabilities are confronted with enormous problems in obtaining urgently needed therapeutic appliances and equipment such as wheelchairs, white canes for the blind, hearing aids. The Social Services Departments often refuse to pay for the costs. There is a theoretical legal right pursuant to Section 6 AsylbLG, but in practice, these applications are not taken seriously and are rejected. Thus, many persons with disabilities do not get the therapeutic appliances they urgently need in their daily lives.

Many accommodation centres or refugee centres have restricted access and are therefore not suitable for persons with disabilities. Depending on their disability, they also need, for example, safe retreats, hygienic surroundings, mobility, accessibility, and an environment aware of their needs. Many refugee centres in Germany are overcrowded and are therefore not adapted to their needs. They are often unhygienic. In most cases, access is restricted. The accommodation centres do not have ramps, accessible toilets and/or fire doors which can be opened without help by persons whose mobility is restricted. Rooms for private retreat usually do not exist. Due to the obligation to reside in a reception centre according to Section 48 Asylum Act (Asylgesetz) persons seeking asylum or whose deportation has been suspended are forced to live in these large accommodation centres. In most cases they are not allowed to look for suitable accommodation themselves.

Receiving care and inclusion support according to Book Nine of the Social Code is also very restricted for asylum seekers. Persons with disabilities require benefits according to SGB IX to be able to participate in society. Without these benefits persons with disabilities cannot fulfil their daily needs. This also applies to language courses, where access is often restricted.

NOW! Not without the We

We, refugees with disabilities, wish for a just and barrier-free life during the asylum procedure. The period during the asylum procedure, which often has to be spent in mass accommodation not fitted to our needs, is a great strain for persons with disabilities. This has to change. Persons with disabilities should be respected with their needs, no matter where they come from.

Our demands:

- Persons with disabilities must have the opportunity to terminate the obligation to reside at a reception centre according to Section 48 Asylum Act (AsylG) and move away from reception centres not suitable for their needs. There is already a provision in Section 49, para. 2 AsylG which makes that possible, but it is rarely applied in practice. This provision should be formulated more precisely concerning persons with disabilities.
- The access to medical care must be provided without complications. Asylum seekers with disabilities should have full access to the services provided by statutory health insurances.
- Asylum seekers with disabilities should have a legal right to participation benefits (Leistungen der Teilhabe) according to Book Nine of the Social Code (SGB IX). Section 100, para. 2 SGB IX should be deleted instead. It reads as follows: "Persons entitled to benefits according to Section 1 of the Asylum Seekers' Benefits Act shall not receive inclusion support."
- Accessibility of integration and language courses must be guaranteed. There should be more language schools for blind people.

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