



# Call for evidence 'Enhancing the strategy for the rights of persons with disabilities up to 2030'

February 2026

In the following submission, PICUM presents recommendations to enhance the EU strategy for the rights of persons with disabilities for the remaining years of the current strategy (2021-2030).

The contribution draws on:

- Findings of the briefing '[Navigating disability and irregular status in Europe](#)' (2025), where PICUM<sup>1</sup> explored the interactions between disability and irregular migration status,<sup>2</sup> drawing upon existing literature as well as case studies from Belgium, France, Germany, Greece, Italy, Malta and Sweden.
- The UN Committee on the Rights of Persons with Disabilities (UN CRPD Committee) Concluding Observations on the European Union.<sup>3</sup>

## Addressing intersectionality in practice: disability and migration status

While the objectives of the [EU Strategy for the Rights of Persons with Disabilities 2021–2030](#) remain valid, significant implementation gaps persist for persons with disabilities facing intersecting forms of exclusion.

Despite the EU's obligations under the UN Convention on the Rights of Persons with Disabilities (CRPD) and the EU Charter of Fundamental Rights, EU disability policy has so far paid limited attention to how residence status affects access the rights of people with disabilities. This lack of data and analysis contributes to the continued invisibility of undocumented migrants in policymaking and implementation in the field of disability.

The UN CRPD Committee's concluding observations on the EU explicitly highlighted these gaps and recommended that the EU, inter alia:

- improve explicit legal protection against multiple and intersectional discrimination, including discrimination arising from the intersection of disability with migration situation, gender, age, ethnicity, national origin, economic situation, religion or belief and LGBTIQ+ status (para. 19(c));
- strengthen the collection of disaggregated data on children with disabilities, including those with intellectual and/or psychosocial disabilities, living in institutions and in situations of migration, in order to inform legislative, policy and funding measures addressing multiple and intersectional discrimination (para. 23(b));

1 PICUM - the [Platform for International Cooperation on Undocumented Migrants](#) - is a network of 160 organisations that has worked for over twenty years to advance social justice and human rights people who are undocumented. PICUM focuses on a variety of areas including access to healthcare, access to justice, the rights of undocumented workers, labour migration, the rights of children, families and youth, as well as fundamental rights in the context of immigration detention and return.

2 'Migration' or 'residence' status - Refers to the type of (or lack of) formal recognition of an individual's residence by the government of the country they live in. Residence or migration status is based on an individual's administrative situation and is linked to a visa, travel authorisation, residence permit, a suspension of deportation, an ongoing legal procedure to access a residence permit on any grounds (including for asylum), or citizenship. Residence permits can be issued for a fixed or indefinite duration and on various grounds (e.g. employment, study, family, medical reasons, international protection or a child protection order), subject to EU or country-specific rules. See also: PICUM, 2024, [Navigating disability and irregular status in Europe](#),

3 [CRPD/C/EUR/CO/2-3](#)

- provide guidance and standards on procedural and reasonable accommodation, including assessment procedures for persons with disabilities in migration situations (para. 47(a));
- ensure that the implementation of EU migration policies, including the New Pact on Migration and Asylum, respects the rights of persons with disabilities, including by preventing detention, pushbacks and denial of access to territory of persons with disabilities in migration situations (para. 47).

These recommendations provide a clear framework for the remaining period of the Disability Strategy and underscore the need for concrete, time-bound EU action addressing the intersection of disability and migration status.

## Proposed concrete actions for the remaining period of the Disability Strategy

To operationalise the Strategy's commitment to intersectionality and to address identified implementation gaps, the Commission should include the following actions among the new time-bound initiatives for 2026 - 2030:

### Commission an EU-level study on disability and migration status

The Commission should carry out or fund a dedicated study on the situation of persons with disabilities with a precarious or irregular migration status in the EU.

PICUM's briefing shows that persons with disabilities with an irregular migration status are often rendered invisible in both disability and migration frameworks: disability policies assume secure residence, while migration systems largely ignore disability-related needs. This results in systematic exclusion from protection, support and reasonable accommodation, despite the EU's obligations under the UN CRPD and the EU Charter of Fundamental Rights.

The lack of disaggregated data and evidence on undocumented migrants with disabilities contributes to gaps adequate policy and legal responses. Addressing this knowledge gap is a necessary precondition for meaningful disability mainstreaming across EU policies.

The study should examine, among others:

- Accessibility of migration procedures
- Access to healthcare, disability recognition and support;
- Immigration detention

This analytical work would directly support evidence-based policymaking and disability mainstreaming across migration, health, labour and social inclusion policies, and inform future legislative, funding and monitoring initiatives under the EU Disability Strategy.

### Strengthening disability rights assessments in EU migration policies

In recent years, EU migration and asylum legislation has increasingly been developed without systematic human rights impact assessments and public consultations, contravening the Commission's own Better Regulation principles.<sup>4</sup>

In the case of legislation to counter migrant smuggling ([Facilitation Directive](#) and [Europol Regulation](#)), the European Ombudsman [found](#) in November 2025 that the Commission relied on an overly broad and poorly justified claim of "urgency" to skip Better Regulation requirements, including public consultations and evidence gathering, and concluded that these omissions amount to maladministration. Similarly, the March 2023 [proposal](#) for a Return Regulation was also [launched without an impact assessment](#) or consultation.

4 European Commission, 2021, [European Commission Staff Working Document Better Regulation Guidelines](#)

As a result, the foreseeable impacts of EU migration policies on fundamental rights – including the rights of persons with disabilities – have not been adequately assessed. This is particularly concerning given the heightened risk that migration control measures may disproportionately affect persons with disabilities, especially those with precarious or irregular migration status.

Against this background, it is essential that the European Commission reaffirms and operationalises its commitment to Better Regulation by ensuring that impact assessments are a standard and systematic component of EU migration policymaking. In practice, this would require that all proposed migration and asylum legislation explicitly assesses potential impacts on persons with disabilities.

The EU Disability strategy should therefore include actions aimed at:

- Strengthening the capacity of DG HOME to systematically integrate disability rights considerations into migration and asylum policies and legislation; and
- Ensuring the systematic involvement of the disability rights expertise within DG JUST, including consultation of the unit responsible for disability rights, in the assessment of migration-related initiatives with potential implications for persons with disabilities.

Ensuring that impact assessments are carried out in EU migration policies is a necessary condition for effective disability mainstreaming, compliance with the UN CRPD, and for preventing foreseeable harm in practice.

### **Strengthen consultation within the Disability Platform**

Civil society organisations working at the intersection of disability, migration, health and social inclusion should be systematically involved in the Disability Platform, to ensure that EU disability policies reflect lived realities and intersecting forms of discrimination.

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