

A minority within a minority – How are intellectual disabilities considered in Swedish asylum decisions?

Anna Ilmoni

Research assistant & Master's student

Department of Psychology

Åbo Akademi University



Psychology at the Frontiers: Asylum Interviewing and Decision Making [Psych-AID]

Disabilities in the asylum context

- ~12 million people with disabilities in the forced displacement population¹
- Women with disabilities can face an increased risk of violence and sexual abuse²
- People with intellectual disabilities can struggle with understanding danger, expressing themselves and understanding others³

1) Migration Data Portal, 2023

2) UNHCR & UN Women, 2024

3) Rohwerder, 2013 ; 2019



Definition of intellectual disability



“Intellectual disability is an umbrella term for many different conditions that require you to need help and support from others. Persons who have an intellectual disability may need more time to understand, learn new things and express their thoughts and emotions. What they can learn depends on what support they are given and what degree of disability they have.”
(Inclusion Finland FDUV)



Asylum seekers with intellectual disabilities

- Asylum seekers with intellectual disabilities can face challenges with:
 - Preparing for the asylum interview¹
 - Collecting evidence¹
 - Communication²
 - Demonstrating subjective fear³
- “Persons with Disabilities in Asylum and Reception Systems”⁴
 - Limited access to health care
 - Lack of screening for disabilities
 - Physical disabilities are more often taken into account

1) European Disability Forum, 2020

2) Smith et al., 2020

3) Crock & Berg, 2011

4) EUAA, 2024

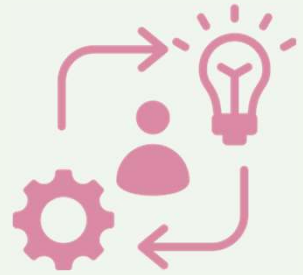


Research questions

- To what extent are intellectual disabilities accounted for in Swedish asylum decisions?
 - Asylum seeker's support
 - Asylum seeker's credibility
 - Disability used as the basis for the appeal decision



Method



- Archival data analysis
- 30 case files from 1.1.2023-31.1.2025 involving applicants with intellectual disabilities
 - Derived from the online platform JP Migrationsnet
 - Contains verdicts from the Swedish Migration Court
- Inclusion criteria:
 - Over 18 years old
 - Intellectual disability (ranging from mild to severe)
- Thematic analysis, using the 6-step framework by Braun and Clarke¹
- Analysis conducted in NVivo

1) Braun & Clarke, 2006 ; 2022



Main themes and subthemes

Medical aspects and support needs

General medical information

Care in Sweden

Care in home country

Support needs in everyday life

Support network and social life in Sweden

Support network and social life in home country

Situation for persons with disabilities in home country

Social status of persons with disabilities

Legal status of persons with disabilities

Personal vulnerabilities/ intersectionality

Care and support measures in home country (societal level)

The RSD process

Applicant's participation in the RSD

Evidence and risk assessment

Application of legal criteria

Other

Medical aspects and support needs

Care in home country

"He also suffers from diabetes, and the access to insulin is limited in the home country. Because of his low level of functioning, he is not capable of getting insulin or taking care of his condition on his own. This has life-threatening consequences for him."

- Poor quality of care and unavailability of medications
- Socioeconomic reasons are not considered a ground for asylum/residence permit

Support network and social life in home country

"The Swedish Migration Agency finds no reason to question that X, due to his disability, is in need of support in his daily life. It has been stated that his brother is deceased and that his sister lacks the willingness or ability to care for him. Nonetheless, (...) the Migration Agency does not find that these circumstances warrant a different assessment than the one previously made."

- No potential caregivers or access to support
- Relatives' willingness and ability to care for the applicant are rarely looked into



Situation for persons with disabilities in home country



Social status of persons with disabilities

"Upon return to XXX, you risk being subjected to discrimination and violence by both the general public and criminal individuals. The population in XXX does not respect persons with disabilities."

- Negative attitudes towards persons with disabilities
- Previous experiences of threats and harassment
- Separating between existing and possible risks

Personal vulnerabilities/intersectionality

"Even though your affiliation with the X minority or the Westernisation you have undergone may not, in themselves, be sufficient to warrant a declaration of refugee status, these circumstances should be taken into account in a cumulative assessment of your right to refugee status as a person with a disability and thus a member of a particular social group."

- Cumulative vulnerabilities can be considered a ground for asylum
- Women with disabilities



The RSD process



Applicant's participation in the RSD

"He argues, among other things, that he suffers from an intellectual disability, which has meant that he has not been able to understand the questions posed to him (...). His intellectual disability also affects his ability to describe details and provide a coherent account. This has not been taken into consideration by the Migration Agency in the appealed decision."

- Challenges with e.g., describing details and understanding questions
- Common for someone else to present the applicant's claims

Evidence and risk assessment

"The Swedish Migration Agency has also asked you to explain why you did not previously inform the Agency about your renunciation of Islam (...). You have stated in response that you did not know this was something you were expected to disclose. The Migration Agency does not accept this explanation, considering that you have stated that this has caused you immense suffering over the years. The Migration Agency also finds that these circumstances negatively affect your overall credibility (...)."

- What is important to disclose?
- Impact of communication difficulties on credibility assessment



Reflections & future recommendations

- Rarely mentioned what measures have been taken to ensure that the applicant can participate in the RSD process
- Are the current legal criteria better suited for applicants with physical conditions?
- An intellectual disability is not a disease or a mental illness but a lifelong condition
 - Focus on promoting quality of life and ensuring a safe and supportive environment
 - Develop guidelines that consider the unique needs of this group



Thank you for your attention!



anna.ilmoni@abo.fi

psych-aid@abo.fi

Supervisors:

jenny.skrifvars@abo.fi & l.stevens@uos.ac.uk



@PsychAID



Anna Ilmoni

Psych-AID



@psychaid.bsky.social



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Participant characteristics



Year of case decision	Age group	Gender	Region of origin
2025 ($n = 1$, 3,3%)	Under 25 ($n = 11$, 35,5%)	Female ($n = 9$, 29%)	South America ($n = 4$, 13,3%)
2024 ($n = 16$, 53,3%)	25-34 ($n = 4$, 12,9%)	Male ($n = 22$, 71%)	Central America ($n = 1$, 3,3%)
2023 ($n = 13$, 43,3%)	35-44 ($n = 4$, 12,9%)		Southeast Europe ($n = 7$, 23,3%)
	45-54 ($n = 5$, 16,1%)		Eastern Europe/West Asia ($n = 1$, 3,3%)
	55-64 ($n = 1$, 3,2%)		West Asia ($n = 5$, 16,7%)
	Non-disclosed ($n = 6$, 19,4%)		Central Asia ($n = 9$, 30%)
			North Africa ($n = 1$, 3,3%)
			Southern Africa ($n = 1$, 3,3%)
			Stateless ($n = 1$, 3,3%)