

Disability-Responsiveness of Fair Recruitment: The Situation for Migrant Workers with Disabilities

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**Person-first
language**

What's in a Word?

Say it Right. Say it with Respect.



PERSON(S)

with disabilities



- ✓ **Women** with disabilities
- ✓ **Children** with disabilities
- ✓ **Migrants** with disabilities
- ✓ **Persons** without disabilities

❌ **Sufferer, stricken, wheelchair-bound**

❌ **Physically or mentally challenged**

❌ **Handicapped or special**

❌ **Normal/ abnormal**

❌ **Differently-abled**



**See the person,
not just the
disability**



TABLE OF CONTENT

ACKNOWLEDGEMENTS	i
OPDs STATEMENT FOR INCLUSION AND REPRESENTATION	ii
INTRODUCTION	1
Scope and method.....	2
DISABILITY AND LABOUR MIGRATION	2
Policy and governance landscape.....	4
Disability dimensions throughout the labour migration cycle.....	7
‘Prospective’ and ‘active’ migrant workers with disabilities.....	8
Migrant workers with ‘acquired’ disabilities	10
Limited access to accommodation, social protection and support services	11
Migration governance mechanisms	11
GPOG DISABILITY ANALYSIS	13
THE PRODUCTION OF RISK FACTORS IN FAIR RECRUITMENT	15
Recruiters	16
Employer organisations.....	17
Worker organisations	18
Governments	19
RECOMMENDATIONS	20
REFERENCES	22
APPENDICES.....	27
Annex 1: CRPD General Principles and GBDN Charter Principles.....	27
Annex 2: Reflective questions for fair recruitment actors	28

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- Disability Service Center, Lao PDR
- Malaysia Independent Living Association for Disabled, Malaysia
- KDN General Service Co., Ltd, Myanmar
- Equal Light Myanmar, Myanmar
- Thailand Association of the Blind, Thailand
- Korean Disability Forum, Republic of Korea

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OPDs STATEMENT FOR INCLUSION AND REPRESENTATION

We, the Disability Migration Network (DMN), strongly support the International Labour Organization (ILOs) commitment to fair recruitment practices for migrant workers with disabilities and migrant workers with acquired disabilities. We emphasise the urgent need for inclusive, rights-based policies that ensure equitable access to safe, orderly and regular migration and fair and decent employment opportunities. We call for tripartite actors to recognise the unique barriers faced by persons with disabilities throughout the labour migration cycle.

To achieve this, we call for the full and meaningful inclusion of Organisations of Persons with Disabilities (OPDs) in all social dialogue processes, recognising them as key social partners alongside governments, employers, worker organisations and other social actors. OPDs must be actively engaged in:

- Developing, reviewing, and implementing laws, regulations, and policies that impact migrant workers with disabilities.
- Monitoring and enforcement of fair recruitment practices to ensure compliance with International Labour Standards, including the ILO's Fair Recruitment Initiative (FRI).
- Shaping inclusive labour migration frameworks that address reasonable accommodation, accessibility, non-discrimination, equality of opportunity for migrant workers with disabilities as well as job retention and adequate redress, including social, financial and medical support for migrant workers with acquired disabilities.

ILO's tripartite actors need to recognise and provide space for the expertise and lived experiences of persons with disabilities and OPDs in shaping policies that directly impact them. Without their participation, fair recruitment policies risk being incomplete and ineffective.

The DMN urges ILO and its social partners to institutionalise OPD participation in decision-making spaces and to integrate disability-responsive measures across all recruitment and labour migration frameworks. This will ensure that no worker is left behind.

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INTRODUCTION

In the realm of work, tripartite actors have established a common framework for promoting 'fair recruitment'. This effort is guided by the Fair Recruitment Initiative (FRI), launched in 2014 as part of the International Labour Organization's (ILO) Fair Migration Agenda (ILO, 2024c). This was initiated in response to the growing number of common abuses reported by migrant workers (ILO, 2021d; ILO, 2022). In order to generate a 'fair' regulatory framework, the General Principles and Operational Guidelines for Fair Recruitment (GPOG) and the complementary Definition of Recruitment Fees and Related Costs (GPOG & Definition) (ILO, 2019) emerged from the FRI and have acted as the key mechanism used to outline the responsibilities of recruiters and employers at all levels. The GPOG contains 13 non-binding principles, which are built upon binding international human rights and labour standards and other related ILO instruments (ILO, 2019), particularly vital is the Private Employment Agencies Convention (C181) (ILO, 1997). The GPOG applies to the recruitment of all workers, including migrant workers, whether hired directly or through intermediaries and operates across sectors and borders. The GPOG distinguishes between general principles, which provide broad guidance for implementation at all levels, and operational guidelines, which outline the responsibilities of specific actors in the recruitment process and suggest possible policy tools and interventions (ILO, 2019).

Recruitment is the first step in ensuring decent work and plays a key role in promoting safe, orderly and regular migration (ILO, 2024b). For recruitment to be considered fair, it must be accomplished in a way that provides worker protection, responds to labour market needs, corresponds with employment policies, and is accompanied by effective regulation, monitoring and enforcement of recruitment laws (ILO, 2024b; ILO, 2024c). For this to be achieved, the Fair Recruitment Roadmap (ILO, 2024a) outlines the key risks, best practices and guidance for governments, recruiters, employers and worker organisations in both origin and destination countries to strengthen regulatory frameworks. However, even with contemporary efforts, evidence indicates that many workers continue to face labour and human rights abuses throughout the recruitment process (ILO, 2024b), exacerbating situations of vulnerability for migrant workers that undermine the GPOG principles.

Despite progress there remain concerns about whether recruitment policies and procedures are inclusive and accessible for persons with disabilities, particularly those seeking to migrate for work. The intersection of disability, fair recruitment and labour migration remains largely unexamined, yet persons with disabilities often face distinct forms of discrimination, rights violations and a myriad of unique challenges compared to persons without disabilities, that will likely be intensified when attempting to cross borders. The GPOG does not explicitly mention disability, but the ILO does have institutional knowledge about inclusive hiring practices and employment strategies, such as those involved in the ILO Global Business and Disability Network (GBDN)¹. However, when these fair recruitment practices are applied to migrant workers with disabilities, significant knowledge gaps remain.

¹ Such as the Business Disability Forum's Recruitment Toolkit (BDF, 2025a), People Manager Toolkit (BDF, 2025b) and the business case, legal case and fairness case for disability inclusion (BDF, 2024). As well Inclusive Future disability-confident employers' toolkit (Inclusive Futures, 2021) and the ILO report on the Competitive Advantage of Hiring Persons with Disabilities: an Employer's Guide to Disability Inclusion at the Workplace (ILO, 2016).

- Recruitment of workers includes in its scope the ‘selection, transport, placement into employment and – for migrant workers – return to the country of origin of workers where appropriate’ (ILO, 2024a, p. 20).
 - Recruitment fees and related costs refer to ‘any fees or costs incurred in the recruitment process in order for (migrant) workers to secure employment or placement, regardless of the manner, timing or location of their imposition or collection’ (ILO, 2024a, p. 23).
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Scope and method

This report examines fair recruitment through a disability-responsive lens, assessing the structural and regulatory conditions that influence the recruitment experiences for migrant workers with disabilities in both countries of origin and destination. It maps existing literature to: (1) contextualise the employment landscape for persons with disabilities in countries of origin, (2) outlines the international regulatory frameworks governing fair recruitment, (3) identifies the systemic challenges that contribute to heightening situations of vulnerability for persons with disabilities throughout the migration cycle, (4) assesses the GPOG via a thematic content analysis by benchmarking it against relevant General Principles from the United Nations Convention on the Rights of Persons with Disabilities (CRPD) and the ILOs GBDN Charter (Annex 1), to determine its capacity to support disability-responsive recruitment, and (5) examines the role of tripartite actors in intensifying and mitigating risks. The report concludes with recommendations for integrating disability-responsive measures into fair recruitment practices, highlighting key gaps for ILO tripartite actors and social partners to fill. The report integrates comments of Organisations of Persons with Disabilities (OPDs) as social partners, in order to better understand barriers and enhance the empowerment of persons with disabilities in fair recruitment.

DISABILITY AND LABOUR MIGRATION

In 2019, out of an estimated 272 million international migrants, 169 million were engaged in the labour force, representing 4.9 percent of the global workforce (ILO, 2021c). However, the proportion of migrant workers with disabilities remains unknown (MDP, 2019) and due to this lack of disaggregated data, existing evidence on this population remains anecdotal.

Given that recruitment is a pivotal step in ensuring decent work, especially through regular channels, if these channels are, or perceived to be ‘unfair’, this could lead to serious negative outcomes for persons with disabilities. It may push them into irregular channels, exacerbating situations of vulnerability, or prevent them from seeking opportunities beyond their local communities in their country of origin. Currently, persons with disabilities may feel that regular routes for labour migration may be unfair considering (1) the disadvantages they face in the national workforce, and (2) the intersecting negative stereotypes of migrant workers and persons with disabilities.

- The United Nations CRPD recognises disability as an evolving concept, resulting from the interaction between ‘persons with impairments (physical, sensory, intellectual or psychological) and barriers (physical, social, institutional and communication) that hinder their full and effective participation in society on an equal basis with others’ (United Nations, 2008).
 - ‘The CRPDs positioning of disability has acted as a catalyst to move the global perception away from individual impairments using a charity and medical model framing, to a rights-based paradigm to dismantle the societal barriers of participation. Nevertheless, despite the CRPD affirming the rights of persons with disabilities on a global scale, its efforts to uphold these rights across borders continues to encounter obstacles’ (DMN & ILO, forthcoming).
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Disadvantages in national settings: According to the World Health Organization (WHO) approximately 16 percent of the world’s population have a disability (WHO, 2023), with at least 785 million being of working age (WHO & World Bank, 2011). Persons with disabilities face societal barriers that limit their workforce participation, resulting in significantly lower labour force participation rates, which has led to seven in ten being inactive globally (Stoevska, 2022). They are also more likely to experience unemployment and underemployment compared to persons without disabilities (ILO, 2017a; Duryea, et al., 2024)². Multiple dimensions contribute to these challenges, including lower literacy rates and educational attainment (ESCAP, 2021; Stoevska, 2022), limited access to quality vocational training (ILO, 2017a), and restricted employment opportunities due to attitudinal barriers, discrimination and inaccessible work environments and communication channels (WHO & World Bank, 2011; ESCAP, 2021; Coulton, 2024). Persons with disabilities also experience higher rates of workplace violence and harassment (ILO, n.d.b), while stress and underlying health conditions may lead to temporary or permanent workforce exit (ESCAP, 2021). Additionally, a scarcity in provisions for assistive technology, workplace accommodations, support services, coupled with inadequate systems and policies may aggravate the above dimensions, potentially pushing persons with disabilities toward self-employment as a means of securing greater job flexibility (Ananian & Dellaferrera, 2024).

Intersecting negative stereotypes: Negative stereotypes surrounding both migrant workers and persons with disabilities reinforce discrimination and marginalisation. Migrant workers are often valued for their capacity for cheap physical labour, while persons with disabilities are frequently perceived as unproductive (Duda-Mikulín & Głowacka, 2024; ILO, n.d.a; ILO, n.d.b). These intersecting stereotypes can lead to both recruiters dispensing of candidates with disabilities and persons with disabilities self-opting out due to being disillusioned with the process. Migrant workers with disabilities may even attempt to hide their disability altogether, as they assume it may reduce their chances of securing employment abroad (FRA, 2016; IOM, 2016). Furthermore, sociocultural norms and historical precedents in countries of origin can shape perceptions of the ‘ideal migrant’, often inhibiting migration opportunities based on factors such as wealth, health, skills and gender. These narratives, in turn, can influence and reinforce restrictive recruitment policies and practices, whether formally enacted by the State or informally implemented by non-State actors in both countries of origin and destination (Hagen-Zanker, et al., 2014).

² Ananian & Dellaferrera (2024) study on the ‘employment and wage outcomes of people with disabilities’ gives further insight into the global context.

Text box 1: Self-selecting out of recruitment

A visually impaired Filipino woman aspired to become a migrant domestic worker and had started the recruitment process for a job in the United States. However, she ultimately decided to withdraw due to concerns about discrimination. She explained, *“If you have a physical defect, it’s over. They won’t hire you”*. She recalled another applicant who was discouraged from continuing because of dental issues, stating, *“I knew I had a disability, so I withdrew my application too. If they rejected her over her teeth, how much more (of a problem is) my eyesight? I was afraid. I used to tell my children, ‘If only I had good eyesight, I would have worked abroad’”* (Life Haven, 2024, p. 73).

Text box 2: The healthy migrant effect

The healthy migrant effect suggests that immigrants are generally 'healthier' than their native-born counterparts despite facing social and economic disadvantages. Attributed to both socio-cultural mechanisms prioritising perceived 'healthier' persons and restrictive State policies stopping 'unhealthy' ones (DMN, 2024). However, these health differences diminish over time as immigrants age (Stanek, et al., 2020; Bacong & Menjivar, 2021). This trend is reflected in research by Echave & Gonzalez (2022), which found that the prevalence of disability among immigrants in the USA was 2.9 percent for those aged 18 to 34, increasing to 10.5 percent for those aged 50 to 64. These disparities can, in part, be attributed to immigrants' limited access to healthcare and social services that are more readily available to citizens (Bogenschutz, 2014; Echave & Gonzalez, 2022). Overall, 5.6 percent of immigrant adults (18 to 64) had a disability, compared to 11.6 percent of US-born adults. Echave & Gonzalez (2022) further highlight that among immigrants aged 50 to 64, ambulatory difficulty was the most common form of disability, whereas cognitive difficulty was most prevalent among those aged 18 to 34. In terms of economic participation, 41.4 percent of immigrants with disabilities were employed, while 12.7 percent reported receiving Supplemental Security Income (SSI) in the 12 months preceding the survey. Similarly, in South Korea, while the rate of activity limitation due to disability among migrants (5.0 percent) was similar to that of nationals (5.2 percent), only 0.4 percent of these long-term migrants were officially registered, compared to 5.1 percent of Korean nationals. This demonstrates the widespread exclusion of migrants with disabilities from formal systems, leading to their continued omission from welfare planning and public budget allocation (DUROO, 2025).

- ‘Disability is not the same as incapacity to work. The question should move away from why someone “cannot” work to which barriers can be removed and what support can be provided, so that persons with disabilities are enabled to work effectively’ (ILO, n.d.a, p. 16).
- ‘Every job can be done by someone with or without a disability, provided the person has the right skills and experiences. Requirements in competency or experience could be stipulated as minimum qualifications, and effort should be made to make sure they are not discriminatory’ (ILO, n.d.a, p. 17).

Policy and governance landscape

Fair recruitment: Ratifying and fully implementing the ‘GPOG & Definition’ and implementing C181 remains essential for establishing international recruitment standards and producing the regulatory framework. These frameworks call on governments, enterprises, public employment services, labour recruiters and employers to ensure fair recruitment processes, including elimination of worker-borne recruitment ‘fees’ and ‘related costs’ (ILO, 2024b). Article 7 of C181 states that *“private employment agencies shall not charge directly or indirectly, in whole or in part, any fees or costs to workers”* (ILO, 1997), placing the responsibility on either employers or the government. Despite provisions prohibiting workers from paying recruitment fees and related costs, poor implementation (UNNM, 2024) and policy ambiguities continue to enable recruiters to impose additional charges through other services, making enforcement challenging for labour inspectorates and other regulators (ILO,

2021b). To achieve broad buy-in and participation from all relevant actors, GPOG Operational Guideline 3 calls on State Parties to actively engage employers' and workers' organisations in the development, review, and implementation of pertinent legislation, regulations, and policies (ILO, 2019). Ultimately, however, governments bear the primary responsibility for ensuring fair recruitment practices (ILO, 2021b).

Sustainable Development Goal (SDG)

- The SDGs emphasise leaving no one behind, making disability-inclusion essential. Key targets include 4.5 education, 8.5 decent work and 10.7 safe migration. While recruitment-related abuses are covered in 8.7 forced labour and 8.8 labour rights, with 10.7.1 focusing on recruitment cost transparency (United Nations, 2015).

International Convention on the protection of the Rights of all Migrant Workers and members of their families (ICRMW)

- The ICRMW safeguards the rights of all migrant workers and their families, emphasising non-discrimination (Article 7), fair treatment (multiple Articles), and labour protections (Article 16). It upholds equal access to decent work and fair recruitment (Article 66) (United Nations, 1990).
- ICRMW has no mention of disability.

Global Compact for Safe, Orderly and Regular Migration (GCM)

- The GCM builds on SDG 10.7 with 23 objectives to strengthen migration governance and safeguard human mobility. Objective 6 calls for fair and ethical recruitment, aligning with the GPOG to improve national policies (22i) (United Nations, 2018).
- Objective 6 has no mention of disability.

ILO Multilateral Framework on Labour Migration, 2006

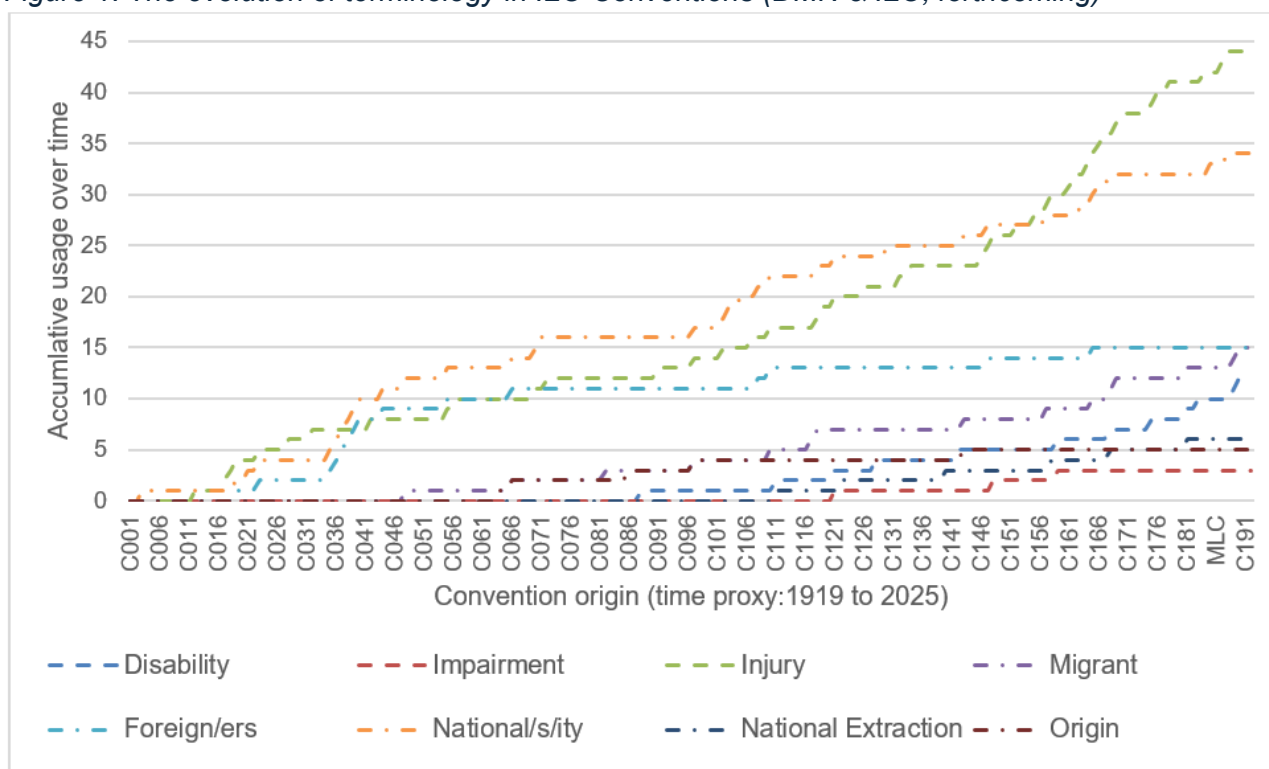
- This framework promotes a rights-based approach to labour migration through social dialogue and tripartite engagement. It has been subsequently reaffirmed in various International Labour Conference (ILC) resolutions (ILO, 2025). It includes key principles such as, (12.11) ensuring migrant workers are not subjected to discriminatory medical examinations (ILO, 2006).

Convention on the Rights of Persons with Disabilities (CRPD): The CRPD upholds the right to work for persons with disabilities on an equal basis with others. The CRPD goes beyond Labour Conventions, such as the 'Vocational Rehabilitation and Employment (Disabled Persons) Convention' (C159) (ILO, 1983), by emphasising comprehensive employment protections and inclusion measures. Under Article 27, the CRPD ensures equal access to employment in an open, inclusive and accessible labour market (United Nations, 2008). It requires State Parties to prohibit discrimination, protect labour and trade union rights, ensure access to vocational training, promote employment in both public and private sectors, and provide reasonable accommodation, vocational rehabilitation and return-to-work programmes (ILO, n.d.a). Additionally, Article 9 on Accessibility and Article 13 on Access to Justice are crucial for enabling protection, enforcement and redress to recruitment violations. Even though the majority of State Parties have ratified the CRPD³, these safeguards are not always legally beneficial for migrant workers with disabilities. Countries such as the United Kingdom and Australia have applied reservations on Article 18 'Liberty of Movement and Nationality', so that only citizens are covered for its protection (Soldatic, 2013; Burns, 2017). Similar reservations have been made in ASEAN by Brunei, Malaysia, Singapore and Thailand, which are the main countries of destination in the region (DMN & ILO, forthcoming). The CRPD does not mention migrant workers.

³ 185 of the 193 United Nations Member States have ratified the CRPD, and 100 have ratified the Optional Protocol (OHCHR, 2025).

Labour rights: Since 1919, ILO Conventions narratives and terminology surrounding disability and migration has evolved, with Figure 1 illustrating this. Disability inclusion has progressed following the adoption of C159 (1983) on vocational rehabilitation, whilst 12 Conventions address disability through themes like social protection, injury mitigation, rehabilitation, and equal employment access. 28 Conventions focus on migration, emphasising labour protections, equal treatment and social security. However, disability is rarely mentioned in migration-related Conventions with no specific overlapping intersectional rights outlined. Throughout the history of the Conventions the overlap tends to revolve around 'injury' which is included mainly to protect workers occupational health, but also to provide fair compensation. These topics remain the contemporary bedrock for most disability related discussions in the migration discourse (DMN & ILO, forthcoming).

Figure 1: The evolution of terminology in ILO Conventions (DMN & ILO, forthcoming)



Enforcement and recourse mechanisms: Ensuring fair recruitment for migrant workers with disabilities requires addressing their specific needs across prevention, protection, enforcement and recourse measures to mitigate situations of vulnerability. For instance, GPOG Principle 13 states irrespective of legal status migrant workers should have access to free or affordable grievance and other dispute resolution mechanisms, whilst appropriate remedies should be provided where abuse has occurred (ILO, 2024c). Legal protections apply to all workers though the specific needs for migrant workers with disabilities is not known. Hence, strengthening national laws to eliminate worker-paid recruitment fees and reinforce the regulatory framework and monitoring of recruitment agencies is essential. Recruitment fees and related costs remain excessively high, ranging from 7 to 18 months of wages in some Asia-Pacific migration corridors (ESCAP, 2024). Irregular migrants, who lack documentation, freedom of association, and face barriers to accessing justice, typically face extra risks (ECE, 2024). State Parties, being the primary duty bearers, are obliged to equip labour inspectorates with the mandate and resources to monitor working conditions, detect abusive practices, and process violations in both countries of origin and destination (ILO, 2021b). However, enforcement remains a significant challenge due to both limited inspectorates' capacity and regulatory gaps (ILO, 2021b). Furthermore, labour inspectorates encounter linguistic, cultural, and

gender-related barriers that can hinder effective communication with migrant workers (ILO, 2021b). These challenges become even more complex when factoring in accessibility requirements, the need for workplace accommodations and cases of worker-to-worker abuse.

Strengthening bilateral labour migration agreements can enhance regulatory oversight, such as those between Pakistan and Singapore, which facilitate information sharing and data management (ESCAP, 2024). An innovative approach in Bangladesh involves the use of mobile courts to monitor enforcement and impose sanctions for violations of national recruitment codes of conduct (ESCAP, 2024). Additionally, establishing accessible complaints mechanisms and business codes of practice can further improve accountability, though many migrant workers continue to face difficulties in accessing these mechanisms (ILO, 2021b). The 'Fair Recruitment Roadmap' (ILO, 2024a) highlights the importance of conducting a situational analysis to assess recruitment risks and abuses, which requires extensive collection of disaggregated data in alignment with Objective 1 of the GCM. However, disability remains an overlooked criterion in these assessments, limiting the visibility of migrant workers with disabilities in fair recruitment policies. The need for more disability data disaggregation was called for in GCM regional implementation reviews from both Latin America and Caribbean and Asia (UNNM, 2022; ESCAP, 2024).

Text box 3: The role of social partners in enforcement and recourse

Social partners, including trade unions and civil society organisations (CSOs), play a critical role in bridging regulatory gaps by monitoring recruitment practices and identifying violations throughout the migration cycle. However, trade unions often face limitations in representing migrant workers, as many lack the legal right to organise or vote. The Arab Trade Union Confederation commented that this imbalance was highlighted during the COVID-19 pandemic exposing disparities between local and migrant workers, with the latter forced to work under unsafe conditions while others received protections and allowances. A call was made to strengthen enforcement by advocating for freedom of association and the establishment of representative institutions to ensure migrant workers have access to fair employment conditions and recourse (ESCWA, 2024). Persons with disabilities may face challenges being represented in trade unions, as trade unions pursue competing priorities.

Disability dimensions throughout the labour migration cycle

Migrant workers with disabilities are not a homogenous group, as impairment type, personal characteristics, individual circumstance and the contextual situation intersect with societal barriers to hinder full and effective participation, whilst interacting in a global political and legal environment that is not disability-responsive. Like migrant workers without disabilities, migrant workers with disabilities face a myriad of common abusive recruitment practices that risk forced labour (ILO, 2021d) and they can also have different legal migration status, either in a regular (temporary schemes/visas or settled) or irregular situation and can work under a variety of formal or informal employment relationships. However, persons with disabilities face added layers of complexity that produce nuanced barriers throughout the migration cycle, with different profiles experiencing different migration barriers. The lives and interactions of persons with disabilities within labour migration intersect in multiple ways:

1. Persons with disabilities attempt (successfully or unsuccessfully) to become migrant workers and are prospective migrant workers with disabilities,
2. Persons with disabilities migrate becoming active migrant workers with disabilities,
3. Migrant workers without disabilities can acquire a disability during their migration journey becoming migrant workers with acquired disabilities,
4. Migrant workers can migrate with persons with disabilities (e.g., family reunification),

5. Migrant workers can migrate to support persons with disabilities (e.g., in caregiving roles),
6. Migrant workers can migrate away from/ or for persons with disabilities (e.g., parents leaving their children with disabilities behind).

‘Prospective’ and ‘active’ migrant workers with disabilities

Disability and migration research is highly concentrated within the fields of disability and forced migration or disability and humanitarianism (Mirza, 2011; Pisani & Grech, 2015; Soldatic, et al., 2015; Emery & Iyer, 2021; Yeo, 2024). A critical concern is that State Parties continue to expand exclusionary policies, systematically screening out persons with disabilities from refugee status and resettlement opportunities, despite commitments under the CRPD (Addaney, et al., 2019). Whereas existing evidence for labour migration highlights the disproportionate exclusion and marginalisation of persons with disabilities in migration processes (DMN, 2024; DMN & ILO, forthcoming). Disability is often perceived as a factor that diminishes one’s human capital, which labour migration policies tend to select from (DMN, 2024). As a result, prospective and active migrant workers with disabilities may encounter barriers during recruitment, including discrimination in job applications, visa processes and mandatory health screenings (DMN, 2024). These challenges are compounded by disrupted support networks, limited resources, restricted access to basic services (ESCAP, 2024) and disability related costs. Persons with non-apparent disabilities may initially encounter fewer barriers by concealing their disability; however, this can result in limited access to necessary accommodations and healthcare, ultimately affecting long-term well-being and social integration (DMN & ILO, forthcoming).

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| <p>➤ Apparent/ visible disabilities are noticeable, such as mobility impairments requiring assistive devices, amputations, blindness, or certain neurological conditions that affect movement or coordination.</p> | <p>➤ Non-apparent/ invisible disabilities are not immediately noticeable, and people can ‘pass’ as persons without disabilities, this may include conditions like chronic pain, mental health, autism, or hearing impairments. It has been estimated that 70-80 percent of disabilities are non-apparent.</p> |
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Job applications: Persons with disabilities often face systemic discrimination from non-accommodating actors in the initial steps of recruitment, as agencies may exclude them outright, assuming incapacity without evaluating their skills and qualifications (DMN, 2024). Additionally, persons with disabilities experience pre-requisite societal disadvantages, such as higher rates of unemployment and underemployment, and given the lack of targeted information they could also be at increased risks for of human trafficking and forced labour (ASEAN ACT, 2024).

Visa processes: Restrictive immigration policies further limit opportunities, with countries enforcing ‘acceptable standard of health’ requirements to reject visas for persons with disabilities. For instance, Australia’s ‘significant cost threshold’ can deny visas or deport families if persons with disabilities projected healthcare costs are deemed too high (ESCAP, 2024). Additionally, immigration laws in multiple countries include caveats for denial of entry, using language like ‘mental defect’, ‘physical infirmity’ and ‘chronic illnesses’ which officials might conflate with disability⁴ (GovTH, 1979; IDA, 2022).

⁴ Even if disability is conflated, it is still important to critically question why such classifications justify exclusion from entry. Considering obligations to uphold principles of non-discrimination and the rights of persons with disabilities, particularly under instruments like the CRPD.

Health checks: Despite Principle 12.11 of the ILO Multilateral Framework on Labour Migration (ILO, 2006), which prohibits discriminatory medical examinations for migrant workers, the medicalisation of disability within migration processes remains a significant barrier to fair recruitment and employment. Health screenings serve as gatekeeping mechanisms, frequently equating disability with an inability to work rather than assessing an individual's capacity. In the United States, immigration medical screenings rely on physicians to identify and categorise conditions, with vague guidelines leading to inconsistencies (Aptekar, 2018). Similarly, in Canada, historical policies grant medical officers the authority to deport migrants deemed 'undesirable', as discriminatory legacy assumptions persist in Canadian immigration law which continues to exclude persons with disabilities if their projected healthcare or social service costs exceed \$24,057 per year (Joseph, 2022).

Disability related costs: It is pertinent to account for disability-related costs that may not be factored in by recruiters and employers in the selection, transport, placement into employment and return of migrant workers. There are no studies mapping these additional costs within fair recruitment, but they likely include both direct and indirect costs. Considering, there is already minimal publicly funded support to cover disability related employment accommodations nationally (Mont & Cote, 2020; Mont, et al., 2022), this is likely worsened when persons with disabilities move across borders due to the lack of portability of social protection. Hence, persons with disabilities will have to bear most of those costs, in an environment where they may be lacking family and community support networks and lack access to specific medicines, treatments and assistive technologies.

➤ Direct costs refer to additional expenses incurred due to a disability. These may include higher spending on everyday goods and services, as well as costs associated with disability-specific equipment, assistive devices, and support services (Mont & Cote, 2020).

➤ Indirect costs stem from the economic impact of limited access to education and employment opportunities for persons with disabilities. These costs include reduced earnings, employment barriers, and lost income for family members who forgo work or education to provide care and support (Mont & Cote, 2020).

Inaccessible procedures and proceedings: The CRPD Committee has raised concerns about the accessibility of migration decision-making processes. In countries such as Slovakia, these procedures fail to accommodate persons with disabilities, while immigration proceedings in Kuwait and the UAE are inaccessible due to information and communication not being provided in accessible formats (IDA, 2022). Inadequate accommodations and inaccessible communication protocols in the decision-making process can impact persons with psychosocial disabilities ability to fully understand questions and provide consistent testimonies (Richner & Chinyakata, 2023). These obstacles undermine due process and equal participation, exposing migrant workers with disabilities to heightened risks of rights violations and limited access to justice.

Text box 4: Labour inclusion processes of Venezuelan migrants in Argentina and Chile

The report, 'Disability and Migration: Labor Inclusion Processes of Venezuelan Migrants in Argentina and Chile', presents findings from 31 interviews with Venezuelan migrants with disabilities in Argentina and Chile, highlighting key intersections between disability and migration. Disability emerged as a driver of migration, with 87 percent of participants strategically planning their relocation based on support networks and integration opportunities. However, the migration journey also exacerbated disabilities for 34 percent of respondents due to stress, lack of medical access and inadequate travel conditions. Bureaucratic challenges were compounded by the need for official disability recognition to access healthcare, with disparities in regularisation rates between Argentina (90 percent) and Chile (57 percent). Employment barriers persisted despite high qualification levels with 68 percent struggling to find employment. Furthermore, 76 percent reported inaccessible workplaces and 64 percent lacking access to assistive technology to perform daily tasks. While some benefited from inclusion policies, most viewed them as superficial compliance measures. Notably, remote work emerged as a key enabler, with 85 percent favouring it for accessibility and flexibility (Marcolongo, 2025).

Migrant workers with 'acquired' disabilities

Violence, harassment and abusive working conditions experienced by persons without disabilities can result in the acquisition of disabilities, especially physical, and psychosocial conditions such as anxiety, and depression (ILO, n.d.b). Further, appropriate support services are not always available or accessible in countries of origin, transit or destination. For instance, for reintegration measures, such as healthcare, rehabilitation, livelihood and independent living after acquiring a disability there is a lack of any targeted support on return. For example, in Tajikistan, where one in ten citizens migrate for work, many return with serious health conditions or disabilities acquired in high-risk sectors abroad. Returnees with disabilities, particularly women, face stigma, lack official recognition of their disabilities, and have limited access to employment, social protection, and healthcare, leaving many in poverty and reliant on family support (ESCAP, 2024). Another challenge is ensuring fair and timely disability compensation for migrant workers who acquire injuries in their country of destination, as well as maintaining these entitlements upon returning to their country of origin (DMN & ILO, forthcoming). However, fair recruitment should not only facilitate return to the country of origin when appropriate but also support reintegration in the country of destination whenever possible.

Text box 5: Migrants with acquired disabilities in Korea

Migrants in Korea are predominantly viewed as temporary workers, with those deemed unable to work due to disabilities often considered ineligible for immigration. Those who acquire disabilities often do not get their work permits extended, forcing them to return home. A 2023 study highlighted the experiences of 20 migrants with disabilities, revealing systemic exclusion, including barriers to disability registration, healthcare and social security. Many participants reported that their migrant status, rather than their disability, posed the greatest obstacle to accessing support and inclusion (MIHU, 2023).

Text box 6: The transit and work of migrants with acquired disabilities in Mexico and Central America

Migrants in transit through Mexico face severe situations of vulnerability, with high risks of acquiring disabilities due to unsafe travel conditions. These include accidents while boarding "The Beast" train, vehicle rollovers, and violent attacks by criminal groups, who may throw migrants off the train if they refuse to pay a fee. Fear of persecution by Mexican authorities further heightens risks. Common disabilities include amputations, spinal injuries, and psycho-social impairments. Additionally, migrant agricultural workers face prolonged exposure to hazardous pesticides, leading to visual and physical disabilities. Many affected migrants remain excluded from official disability recognition and social protection systems, limiting their access to essential healthcare and support (COAMEX & PADF, 2019).

Limited access to accommodation, social protection and support services

Migrant workers with disabilities and migrant workers with acquired disabilities while working face heightened risks of exploitation and labour rights violations, compounded by social isolation, limited social protection, and inadequate support services. Workplace accommodations are critical to ensuring their access-to and retention-in employment. However, gaps in social protection frameworks can leave many without necessary security. For instance, in Korea, over 8,000 industrial accidents involving migrant workers were reported in 2022, though estimates suggest this represents less than 20 percent of actual incidents. Many workers are discouraged from reporting injuries due to employer pressure, fears of visa non-renewal, or rising insurance premiums. Even after an accident is officially recognised, migrant workers are required to renew their visas often (Byungchan, 2024). Gender disparities in support access are stark, with 42.8 percent of male migrant workers had medical costs covered by public insurance, compared to 33.5 percent of females. Additionally, 15.9 percent of males lacked industrial accident insurance, rising sharply to 42.1 percent among females (Kim, 2020). Female migrant workers apply for industrial accident compensation at just 18 percent the rate of males, often due to the lack of insurance coverage and unclear worker status in roles like domestic work or caregiving. The rate of approval for industrial accident compensation is also lower for female migrant workers, for instance musculoskeletal disorders linked to domestic and care work are typically approved at a 50-60 percent rate (Lee, 2024). Good practices include that of the Ibero-American Multilateral Convention on Social Security, a key instrument that protects migrant workers and their families' rights, by coordinating national pension systems to guarantee benefits for old age and disability (UNNM, 2022). At the national level, Burkina Faso's Social Security Code 2021 explicitly ensures equal access to family benefits, benefits for sickness and workplace accidents, and disability pensions for all workers, regardless of nationality (IOM, 2024). Strengthening such legal guarantees is essential to reducing situations of vulnerability and promoting fair employment for migrant workers with disabilities and migrant workers with acquired disabilities.

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- Adjustments such as accessible workplaces, assistive devices, flexible schedules, or personal assistants can remove barriers and support equal participation in the labour market (ILO, 2018). However, misconceptions about reasonable accommodation can lead to resistance, discrimination, or even harassment from employers and colleagues (ILO, n.d.b).
 - The CRPD establishes that denying reasonable accommodation constitutes discrimination, and governments are obligated to ensure its provision (ILO, n.d.a).
 - Like migrant workers without disabilities, migrant workers with disabilities may face challenges in accessing social protection, as they may be denied access because of their migration status or nationality, or due to the insufficient duration of their periods of employment and residence (ILO, 2024b). It remains unlikely that current bilateral (BLA) or multilateral (MLA) agreements include direct provisions to support persons with disabilities. Whilst the portability of social protection for persons with disabilities remains absent from the migration discourse (DMN, 2025a).
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Migration governance mechanisms

Marginalised groups, such as persons with disabilities face distinct vulnerabilities yet are often invisible in regional migration processes (UNNM, 2022). Historically, migration governance mechanisms have largely excluded persons with disabilities, leading to a focus on prevention and protection rather than empowerment and inclusion (Thatcher, 2023). The absence of meaningful participation of OPDs within social dialogue is clear in both a broad governance and specific thematic

areas (e.g., in fair recruitment). However, a shift is emerging, with the Global Forum on Migration and Development (GFMD) Civil Society Consultations on the 2024-2025 Draft Priorities Report integrating disability considerations into migration discussions (GFMD, 2024). Similarly, the GCM has begun expanding disability-responsive objectives following recent implementation reviews (DMN, 2025b). The ASEAN Forum on Migrant Labour (AFML) (ASEAN, 2024) has also called for more equitable and inclusive regular pathways for migrant care workers, addressing discrimination based on gender, age, disability and health status. Despite these developments, migration and disability governance remains complex, leading to enforcement gaps and policy fragmentation for migrant workers with disabilities and migrant workers with acquired disabilities. The absence of targeted policies, coupled with minimal participation of OPDs as social partners in social dialogue complicates policy cohesion.

Text box 7: Challenging policy coherence in migration and disability in South Africa

Research in South Africa found that most migrants and refugees with disabilities rely on support from NGOs, informal networks, and religious organisations for survival. While regional and international policies have been partially implemented, there are no clear guidelines for translating global frameworks, protocols and strategies into concrete protections at the national level. Policy analysis further revealed that despite the presence of numerous disability rights policies, there is little recognition of the intersection between migration and disability. Furthermore, informants reported that migrants and refugees with disabilities often face restricted access to employment, healthcare and education. Many of whom are undocumented and unemployed and are forced to live on the streets or in unsafe, deteriorating housing in urban areas (Govere, et al., 2021).

GPOG DISABILITY ANALYSIS

The GPOG on fair recruitment establishes key protections for workers, emphasising transparency, non-discrimination and fair recruitment practices. However, it lacks explicit disability-responsive measures, failing to address critical disability-specific barriers that prevent persons with disabilities from accessing fair and equitable employment abroad. These barriers include systemic discrimination in job applications, restrictive visa policies, exclusionary health checks, disability-related costs, inaccessible procedures, limited social protection access and portability, issues with disability compensation, and inadequate reintegration support for migrant workers with acquired disabilities.

Table 1: GPOG disability thematic content analysis

Principles	ILO GPOG	Gaps Identified
Respect for inherent dignity ⁵	<ul style="list-style-type: none"> Workers should receive free, accurate, and comprehensive information on their rights and employment conditions throughout the migration cycle. Employers, recruiters, and workers should be trained on human rights due diligence and fair recruitment practices. 	<ul style="list-style-type: none"> No requirement for recruitment-related information to be in accessible formats (e.g., Braille, easy-read, sign language). No disability-sensitive training for recruiters, employers, or workers to address stigma and stereotypes in job postings, interviews, and workplace adjustments.
Non-discrimination ⁶	<ul style="list-style-type: none"> Recruitment must uphold international human rights and labour standards, including non-discrimination, freedom of association, and collective bargaining. Recruitment processes should be regulated through BLAs or MLAs. Workers should not bear medical exam, insurance, or travel costs. Governments must enforce public registration, licensing, and regulatory systems to ensure compliance in the recruitment industry. 	<ul style="list-style-type: none"> General non-discrimination clauses do not address disability-specific barriers, such as biases in job matching and recruitment agency practices. Restrictive visa policies and health checks remain unaddressed. No incentives for employers or recruiters to hire persons with disabilities; no clear policies on inclusive job placements, apprenticeships, or career advancement. No mentions of accommodations in recruitment (e.g., accessible interview venues, alternative assessments, or personal support). No clear framework for social protection portability or fair disability compensation for migrant workers with acquired disabilities.
Participation and inclusion ⁷	<ul style="list-style-type: none"> Governments should consult workers' and employers' organisations when developing or reviewing labour laws. Meaningful participation of social partners (e.g., CSOs) is required, with oversight mechanisms like tripartite committees under migration agreements and in awareness-raising campaigns. Recruitment should uphold freedom of association and collective bargaining rights. 	<ul style="list-style-type: none"> OPDs are not systematically included in international cooperation on recruitment and labour migration policy, leaving them unrepresented. Migrant workers with disabilities may face barriers in joining trade unions or workers' organisations, limiting advocacy and collective bargaining for accessible work conditions.

⁵ Promotion of rights, raising awareness and combatting stigma and stereotypes.

⁶ Further supported by CRPD Article 5, develop policies and practices that protect persons with disabilities.

⁷ Collaboration with business, employers and disability groups.

Disability-Responsiveness of Fair Recruitment: The Situation for Migrant Workers with Disabilities

Equality of opportunity ⁸	<ul style="list-style-type: none"> ➤ Workers should not be charged recruitment fees or related costs at any stage (advertisement, selection, transport, placement, return). ➤ Labour market information should be publicly available for informed decision-making by workers, employers, and recruiters. 	<ul style="list-style-type: none"> ➤ Hidden costs (e.g., medical exams, assistive devices, mobility support) disproportionately impact migrants with disabilities. ➤ Labour market information is not required to be in accessible formats. ➤ Job postings rarely specify if persons with disabilities are eligible to apply. ➤ No requirement for accessible job postings, interviews, or workplace accommodations.
Accessibility ⁹	<ul style="list-style-type: none"> ➤ Employment contracts should be clear, transparent, and in a language workers understand. ➤ Awareness campaigns should use various platforms (radio, TV, websites, webinars) to reach diverse workers. ➤ Labour recruiters must ensure transparency about working and living conditions. 	<ul style="list-style-type: none"> ➤ Contracts must also be available in accessible formats (Braille, easy-read, sign language). ➤ Contracts should specify workplace accommodations for workers with disabilities and acquired disabilities. ➤ Public awareness efforts must include sign language interpretation, captions, and alternative formats. ➤ Enforcement mechanisms need to ensure recruiters provide accessible information and premises.
Job retention ¹⁰	<ul style="list-style-type: none"> ➤ Migrant workers should have the right to leave, change jobs, or return to their country of origin without requiring employer permission. 	<ul style="list-style-type: none"> ➤ No provisions ensure job retention, reasonable accommodations, or support for migrant workers with acquired disabilities. ➤ Migrant workers with acquired disabilities could face termination or pressure to leave, with no safeguards for job modifications or alternative roles.
Monitoring and enforcement ¹¹	<ul style="list-style-type: none"> ➤ All workers, regardless of legal status, should have access to free or affordable grievance mechanisms. While effective remedies should be available for cases of abuse. ➤ Workers must be able to report abuses without fear of blacklisting, detention, or deportation. ➤ Recruitment monitoring should be informed by data on labour market and social impacts. 	<ul style="list-style-type: none"> ➤ Grievance mechanisms must provide accessible communication methods, assistive technology, and accessible venues. ➤ Migrant workers with disabilities face additional risks when reporting abuse, including deportation leaving them at higher vulnerability than when they migrated. ➤ OPDs must be included in monitoring and enforcement processes. ➤ No system tracks disability-related recruitment abuses, including discriminatory hiring, medical testing, or job loss after injury.

⁸ Providing reasonable accommodation in the recruitment process, on-the-job, apprenticeships, training, job retention, career development.

⁹ Expanded upon in CRPD Article 9, the premises and communication to staff should be accessible.

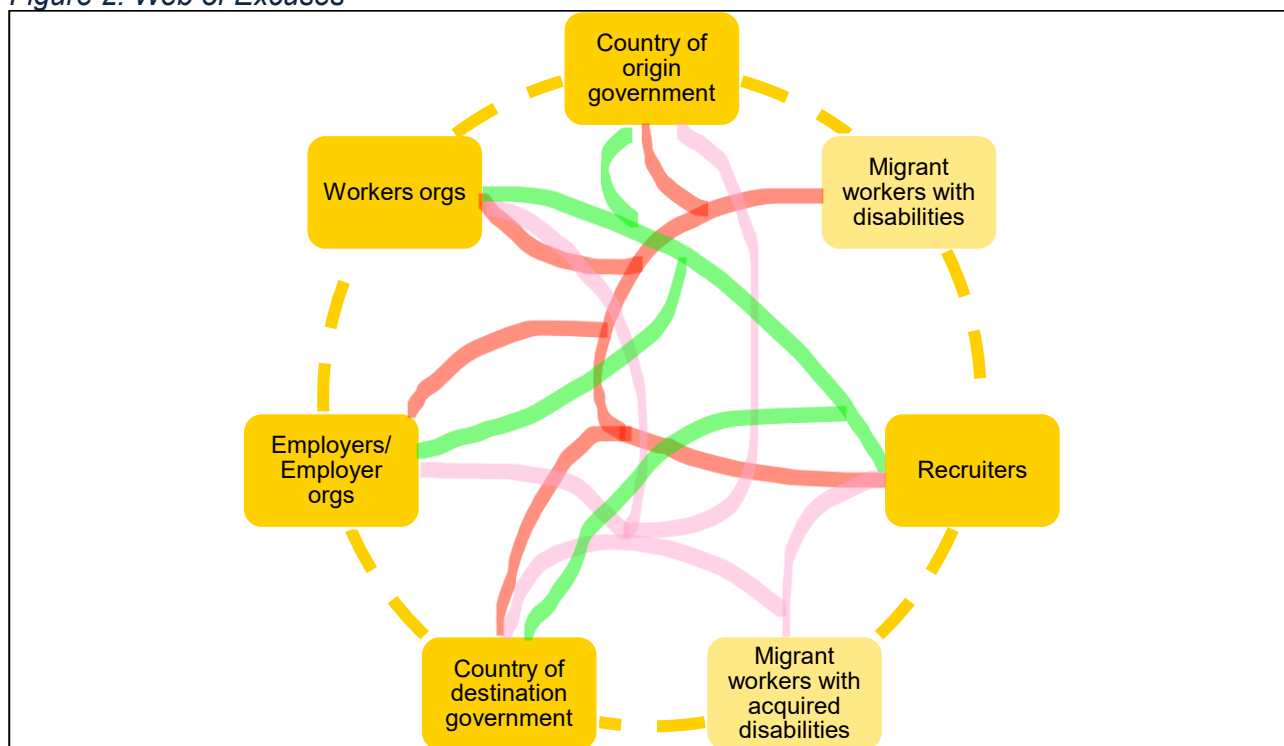
¹⁰ Appropriate measures to enable current employees who acquire a disability to retain their previous employment.

¹¹ Expanded upon in CRPD Article 33.

THE PRODUCTION OF RISK FACTORS IN FAIR RECRUITMENT

All workers are at risk of exploitative recruitment in job markets with high unemployment and intense competition and when legal protections, enforcement mechanisms and social dialogue are weak. For migrant workers, these risks are heightened by complex recruitment networks (e.g., sub-agents), lack of information, and gaps in labour migration governance for non-citizens (ITUC, 2022). Sectors with fragile labour law enforcement, such as in construction, manufacturing, agriculture, services and domestic work, can further heighten situations of vulnerability for workers, with gendered impacts shaping the risks faced by men and women differently. Migrants who use irregular recruitment channels face an especially high likelihood of debt bondage and abuse (ILO, 2024a). Despite the essential role of tripartite actors, governments, employers, and workers' organisations in shaping fair recruitment, institutionalised social dialogue on migration and recruitment remains limited (ILO, 2021d). Strengthening collaboration among these actors is essential to ensure recruitment frameworks are both fair and disability-responsive. Migrant workers with disabilities and migrant workers with acquired disabilities face heightened risks of exploitation and abuse in recruitment due to the systemic barriers and lack of accommodations outlined above. The subsequent section describes the role of each actor, how their actions contribute to risks becoming established through barrier creation, shifting responsibility and the impact of this on persons with disabilities¹². Figure 2 presents the 'web of excuses', a visual illustration on how various actors associated within fair recruitment, may shift responsibility among themselves, forming interconnected strands that produce a larger web, which creates systemic barriers that impede the fair recruitment of persons with disabilities. This visual metaphor outlines the necessity of severing these strands to promote disability-responsive labour migration and to generate a 'fair' regulatory framework. Annex 2 offers reflective questions for each stakeholder to identify and address the barriers they may perpetuate.

Figure 2: Web of Excuses



¹² Due to the lack of data, this section was formulated by the opinions and experiences of OPDs, from the DMN. These are generated from our experiences, but also from our recent interviews with recruiters, worker organisations and governments through the ILO TRIANGLE project.

Recruiters

Role of recruiters: Recruiters, such as Public Employment Services and Private Employment Agencies play a crucial role in ensuring fair recruitment and facilitating access to regular migration pathways, as they fill available jobs with suitably qualified workers across borders and support migrant workers in navigating complicated regulations that differ from country to country (ILO, 2024a). When regulated effectively, recruiters enhance transparency, uphold anti-discrimination standards, and eliminate worker-borne recruitment fees (UNNM, 2024).

Barrier creation: Recruiters often hesitate to engage with persons with disabilities due to concerns about employer demand, worker suitability and perceived reputational risks. Many believe that employers prioritise ‘able-bodied’ workers and view disability as a disadvantage in physically demanding industries. There is also a fear that placing workers with disabilities may be seen as inefficient or uncompetitive, potentially harming the recruiter’s credibility with employers. Additionally, recruiters may lack knowledge or training on disability inclusion, making them less confident in advocating for persons with disabilities as viable candidates. These factors contribute to a passive exclusion of persons with disabilities from recruitment pipelines. A lack of accessible information and support (e.g., job postings, contracts, and orientation materials), combined with the absence of alternative formats such as braille, sign language, and easy-read versions, may discourage persons with disabilities from applying.

Shifting responsibility: Rather than taking proactive steps to include persons with disabilities, recruiters frequently shift responsibility to other actors in the migration process. They argue that employers do not express interest in hiring migrant workers with disabilities or that restrictive medical exams and visa policies prevent persons with disabilities from qualifying for overseas work. Additionally, recruiters may assume that workplace accommodations are too complex or costly, making it easier to avoid presenting candidates with disabilities altogether. By deflecting responsibility onto employers, governments, or industry norms, recruiters perpetuate the systemic exclusion of persons with disabilities without challenging discriminatory barriers or retaining migrant workers with acquired disabilities.

Impact: This reluctance to engage with persons with disabilities significantly narrows their access to fair recruitment opportunities. By filtering out persons with disabilities early in the hiring process, recruiters reinforce the misconception that disability is incompatible with employment. As a result, fewer persons with disabilities are considered for overseas jobs, reducing their economic and professional mobility. The lack of recruiter advocacy for inclusive hiring also means that employers are rarely encouraged to rethink their biases or explore workplace adjustments. Ultimately, this creates a self-reinforcing cycle where persons with disabilities remain invisible in labour migration, missing out on the chance to compete for jobs on equal terms.

Text box 8: Enhancing fair recruitment for migrant workers with disabilities

Recruiting persons with disabilities to appropriate vacancies can be challenging, but recruiters can take key steps to support disability-inclusive hiring (ILO, n.d.a).

- Ensure job postings explicitly welcome candidates with disabilities and are in accessible formats.
- Undertake job analysis to design roles, making them adaptable for a diverse workforce.
- Work with employers to offer fast-track entry via apprenticeships, short-term training, or workplace programs.
- Partner with OPDs to identify qualified candidates.
- Work with employers, to create an inclusive work culture to encourage disclosure, retention of migrant workers with acquired disabilities and workplace adjustments.

Employer organisations

Role of employers and employers' organisations: Employers and employers' organisations play a critical role in shaping fair recruitment and creating fair and inclusive pathways. By conducting due-diligence in their labour supply chains, they can reward fair recruitment practices while sanctioning exploitative and illegal recruitment (ITUC, 2022; ECE, 2024). Additionally, they play a decisive role in defining the skills required and influencing who gets selected, directly impacting access to employment opportunities for all workers.

Barrier creation: Employer organisations often operate under the assumption that productivity is the primary determinant of employability, reinforcing biases against hiring persons with disabilities. In highly competitive labour markets, employers prioritise workers perceived as 'efficient' or 'low-risk', leading to the exclusion of persons with disabilities based on assumptions about their capabilities. Additionally, some employers argue that making workplace accommodations, such as accessible workstations, assistive technology, or modified job roles is too costly or administratively burdensome. These factors create a recruitment environment where persons with disabilities are deprioritised, especially in industries with tight profit margins or high physical demands (Ananian & Dellaferrera, 2024).

Shifting responsibility: Rather than proactively addressing inclusion, employers often justify the exclusion of persons with disabilities by pointing to systemic constraints. Some argue that the labour market offers a 'disposable workforce', where the constant influx of migrant workers without disabilities eliminates the need to consider workplace adjustments. Others claim that the recruitment pipeline does not deliver candidates with disabilities, placing responsibility on recruiters rather than reassessing their own hiring criteria. Sector-specific challenges, such as the perceived physical demands of certain jobs, further reinforce the notion that hiring persons with disabilities is impractical, even when reasonable accommodations could mitigate these barriers. Furthermore, employers can justify exclusion by citing government-imposed regulatory frameworks, claiming that visa and medical restrictions prevent them from hiring migrant workers with disabilities.

Impact: These justifications create structural barriers that prevent migrant workers with disabilities from being fairly considered for employment. When employers prioritise immediate productivity over long-term workforce sustainability, they miss opportunities to harness the skills and contributions of persons with disabilities. The reluctance to invest in accommodations results in a hiring process that favours candidates without disabilities, effectively shutting out qualified persons with disabilities. Even when persons with disabilities are employed, they may face job insecurity, as employers may see them as expendable in times of economic downturn or restructuring. Furthermore, when persons without a disability acquire a disability it is often considered cheaper to replace them. Without clear policies on reasonable accommodation and job retention, persons with disabilities remain at a systemic disadvantage in the labour migration process.

Text box 9: The business case for disability inclusion

Employing migrant workers with disabilities benefits both employers and society by expanding talent pools, raising diversity and driving social change. Inclusion strengthens business by improving productivity, innovation, and compliance with international standards (ILO, n.d.a). Employers can enhance accessibility through reasonable accommodations, skills development programs and partnerships with OPDs. Misconceptions about costs and workplace adaptations often create barriers, yet practical solutions exist, including wage subsidies and workplace adjustments (Ananian & Dellaferrera, 2024). Employers have a key role in implementing occupational safety and health, minimising the risk of migrant workers acquiring disabilities (Ananian & Dellaferrera, 2024). Employer networks, such as the ILO's GBDN, provide platforms for collaboration and shared best practices to advance disability-inclusive employment (ILO, n.d.a).

Worker organisations

Role of worker organisations: Trade unions are the primary body organising and representing workers, they play a crucial role in protecting the rights of migrant workers, including migrant workers with disabilities and acquired disabilities, by advocating for fair recruitment, collective bargaining, freedom of association and rights-based governance (ILO, 2018; ITUC, 2022). They provide legal support, raise awareness about recruitment rights, and monitor unfair recruitment practices, including those linked to trafficking and forced labour (ITUC, 2022). Unions influence national legislation to ensure fair labour migration policies by engaging in social dialogue and policy advocacy. Global solidarity and collaboration between unions in countries of origin and destination strengthens migrant workers' collective power, strengthening fair working conditions and better representation (ITUC, 2022).

Barrier creation: Many migrant workers can face legal challenges in establishing and joining trade unions, particularly those in informal working arrangements (ILO, 2024b). Nevertheless, workers' organisations, trade unions and migrant worker associations, often lack structured representation for persons with disabilities. This absence results in a failure to integrate disability-specific concerns into broader labour rights advocacy. Without dedicated engagement, persons with disabilities will remain marginalised within worker organisations, limiting their ability to influence collective bargaining agreements or policy recommendations. This exclusion is further reinforced by the perception that persons with disabilities represent a small or specialised constituency rather than a cross-cutting labour rights issue. As a result, disability inclusion remains a secondary concern, if acknowledged at all.

Shifting responsibility: Trade unions and their experts often note that disability-related issues receive little attention or are not considered a priority within union agendas (ILO, 2017b). Furthermore, workers' organisations may frame disability within the context of occupational injury or workplace-acquired conditions, emphasising compensation claims, and providing services on access to legal aid for this compensation rather than on long-term employment retention. This focus on financial redress, while important, often sidelines efforts to ensure workplace reintegration, skills development, or accommodations for returning workers. Additionally, worker advocacy groups may inadvertently end up deferring responsibility for disability inclusion to employers or policymakers rather than proactively pushing for structural changes. The lack of tailored advocacy means that broader labour rights campaigns may overlook the specific needs of persons with disabilities, reinforcing their exclusion from workforce participation and career advancement opportunities.

Impact: By prioritising protection over empowerment, workers' organisations contribute to a system where persons with disabilities are viewed primarily as recipients of compensation rather than as active participants in the labour force. This approach reinforces dependency models rather than advocating for inclusive employment practices that enable persons with disabilities to work on an equal basis with others. The absence of a rights-based, empowerment-focused strategy means that persons with disabilities face additional hurdles in achieving job security, professional development, and representation in collective bargaining processes. Consequently, labour migration policies will continue to operate within a framework that inadvertently marginalises persons with disabilities rather than addressing the systemic barriers to their fair recruitment and employment.

Text box 10: Supporting migrant workers with disabilities in fair recruitment

The role of trade unions in working on disability issues is no different from their role for other times (ILO, 2017b). Trade unions can advocate for non-discriminatory laws, accessible workplaces, service provision and fair recruitment (ILO, 2017b). They can mobilise and represent migrant workers with disabilities, integrate disability into collective bargaining, and support training, return-to-work programs/ job retention, and workplace adaptations. By engaging in policy development (e.g., adoption of the CRPD) and partnering with OPDs, they strengthen employment rights and workplace inclusion for all (ILO, n.d.a). Despite restrictive laws in Malaysia, unions like the International Domestic Workers Federation (IDWF) have organised migrant domestic workers, raising rights awareness (ILO, 2024b). Furthermore, trade unions can play an active role in supporting labour migration and fair recruitment for persons with disabilities, such as including their concerns in the creation of BLA Implementation Committees (ILO, 2024b). Or in projects, like the ITUC's chatbot in English, Filipino, and Nepali that helps migrant workers access recruitment advice via social media, if provided in accessible formats this can also support migrant workers with disabilities (ITUC, 2022).

Governments

Role of government in country of origin (COO): Ministries in COOs face challenges in regulating recruitment due to limited jurisdiction over employers in destination countries. Migration policies often treat labour migration as a national issue, preventing enforcement of fair recruitment fees and licensed recruiter requirements abroad, creating loopholes exploited by unscrupulous recruiters and employers (ITUC, 2022). To address this, COOs can establish BLAs with destination governments, yet these often prioritise migration flows over worker protections (ITUC, 2022). Nevertheless, State Parties in COO can provide services and information to bolster protection of their citizens abroad.

Role of government in country of destination (COD): Ministries in CODs often focus on combating trafficking, organised crime and recruitment fees while overlooking systemic recruitment abuses affecting migrant workers and discrimination (ITUC, 2022). The widespread use of subcontracted recruitment models creates accountability gaps that shield employers from liability, making enforcement difficult (ITUC, 2022). State policies, such as self-sufficiency requirements, regulate not only the number but also the type (e.g., education, wealth, origin and likely, their disability status) restricting access of certain migrant groups (de Haas, 2014).

Barrier creation: Migration policies in both COO and COD often adopt a medical model of disability, equating disability with incapacity to work. Pre-departure medical examinations serve as a gatekeeping mechanism, where persons with disabilities may be disqualified from employment opportunities regardless of their actual ability to perform the job. Similarly, COD visa requirements impose strict medical fitness criteria that effectively exclude persons with disabilities from consideration and disregarding reasonable accommodations. These restrictive regulatory frameworks fail to account for recruitment and workplace accommodations or evolving conceptions of disability, reinforcing systemic barriers to fair recruitment, potentially pushing migrant workers with disabilities into informal channels increasing their situations of vulnerability in transit and during deployment. For instance, the European Union's migration policies have been criticised for failing to provide inclusive procedures and for lacking mechanisms to identify and support migrants with disabilities (FRA, 2016).

Shifting responsibility: Governments of COOs and CODs may deflect responsibility for disability-responsive recruitment by attributing barriers to one another's policies. COO governments argue that they cannot advocate for persons with disabilities if CODs impose strict medical and visa requirements, while COD governments justify their exclusionary policies by citing the pre-selection processes conducted by COOs or by pointing to employers' hiring practices that, while subject to national non-discrimination laws, may lack proactive measures to include persons with disabilities.

This cycle of deflection creates a policy vacuum where neither side actively addresses the need for inclusive labour migration regulatory frameworks. Additionally, BLAs fail to incorporate disability-specific protections and include disability in social dialogue on recruitment, further marginalising persons with disabilities.

Impact: The reliance on restrictive medical criteria and the lack of accountability between COOs and CODs result in the systemic exclusion of persons with disabilities from regular migration pathways. Without explicit provisions for reasonable accommodations, alternative assessment methods, or inclusive recruitment policies, persons with disabilities face near-insurmountable barriers to securing employment abroad. This exclusion not only limits economic opportunities for persons with disabilities but also undermines broader commitments to fair recruitment and equal access to decent work. The absence of disability-responsive governance perpetuates a cycle where persons with disabilities remain invisible in migration policymaking, reinforcing structural discrimination within international labour markets or pushing them into informal channels, exacerbating situations of vulnerability.

Text box 11: Supporting and including migrant workers with disabilities in fair recruitment

Governments in COO and COD play a crucial role in ensuring fair recruitment and employment inclusion for migrant workers with disabilities and retention of migrant workers with acquired disabilities. Wage subsidies, such as Sweden's model, can incentivise employment for new recruitment by covering up to 80 percent of wages for up to four years (Ananian & Dellaferrera, 2024). Integrating migrant workers with acquired disabilities into national quota systems can further encourage employer retention. The exclusion of persons with disabilities from the labour market results in economic losses of 3 to 7 percent of GDP and increased reliance on disability benefits or family support (ILO, 2017a). Governments must ratify and implement labour standards and the CRPD, ensuring disability-responsive policies by engaging OPDs and investing in skills development (ILO, n.d.a). Cambodia's Labour Migration Policy (2019–2023) demonstrates best practices by incorporating disability and migrant worker representation in labour governance through tripartite consultations (ILO, 2025).

RECOMMENDATIONS

1. Strengthening data and knowledge on disability-responsive recruitment

- 1.1. Ensure all tripartite actors collect disability-disaggregated data across; selection, transport, employment, and return, to identify barriers and improve policies using standardised tools like the Washington Group Short or Enhanced Set.
- 1.2. Conduct studies on the recruitment barriers faced by migrant workers with disabilities and migrant workers with acquired disabilities. Furthermore, integrate disability perspectives into general migration, recruitment and employment studies.
- 1.3. Establish global platforms to share best practices and track disability-related recruitment abuses, such as discrimination in hiring, medical testing, and job loss after injury.

2. Advancing a disability-responsive regulatory framework through laws, policies and protection

- 2.1. Advocate for reversing reservations on CRPD Article 18 to extend protections beyond citizens.
- 2.2. Revise restrictive visa policies and processes that disadvantage migrant workers with disabilities. For instance, review medical examination criteria to prevent discrimination against migrant workers with disabilities and clarify the implications of the ILO Multilateral Framework on Labour Migration, 2006 principles 12.11. that ensure migrant workers are not subjected to discriminatory medical examinations.

- 2.3. Involve OPDs as social partners in social dialogue in the development, review, and implementation of pertinent legislation, regulations, and policies.
- 2.4. Ensure disability-responsive provisions are included in BLAs/MLAs, in collaboration with OPDs.
- 2.5. Establish government-backed certification programs for agencies adhering to fair and disability-responsive hiring.
- 2.6. Governments from COO and COD provide incentives for employers and recruiters to hire persons with disabilities. Incentives could include integrating them into COD quota systems.
- 2.7. Prohibit passing disability-related costs (e.g., medical exams, assistive devices, mobility support) onto migrant workers. Integrate these protections into the GPOG & Definitions.
- 2.8. Incorporate disability-responsive actions into recruitment plans, e.g., the Fair Recruitment Roadmap.
- 2.9. Guarantee access to justice under CRPD Article 13 for recruitment violations, monitor with OPDs as social partners. Ensure grievance procedures are accessible (e.g., communication channels and premises), with reasonable accommodations available in reporting processes.

3. Ensuring fair and disability-responsive recruitment practices

- 3.1. Provide disability-sensitive training for recruiters, employer organisations, and worker organisations to address stigma and stereotypes and best inclusion practices.
- 3.2. Ensure advertisements, applications, and recruitment processes comply with CRPD Article 9 on Accessibility. State clearly that jobs are available for persons with disabilities.
- 3.3. Encourage businesses to integrate disability-responsive hiring into corporate social responsibility (CSR) programs.
- 3.4. Ensure government job-matching and placement services are accessible to persons with disabilities.
- 3.5. Guarantee that migrant workers with disabilities and migrant workers with acquired disabilities have equal access to social security, workplace accommodations, and anti-discrimination protections.
- 3.6. Ensure job retention and support for migrant workers with acquired disabilities through reasonable accommodations, vocational rehabilitation and return-to-work programs.

4. Empowering and protecting migrant workers with disabilities

- 4.1. Ensure all recruitment, labour market, and contractual information is available in accessible formats (e.g., Braille, easy-read, sign language, captions).
- 4.2. Include disability rights and best practices for workers with acquired disabilities in pre-departure briefings for migrant workers and their families.
- 4.3. Strengthen the ability of migrant workers with disabilities to join worker organisations and advocate for inclusive labour conditions through collective bargaining.
- 4.4. Improve access to portable benefits or fair disability compensation for migrant workers with acquired disabilities. Enable migrant workers with disabilities to file claims even after returning to their home country.

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APPENDICES

Annex 1: CRPD General Principles and GBDN Charter Principles

CRPD General Principles

- Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons.
- Non-discrimination.
- Full and effective participation and inclusion in society.
- Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity.
- Equality of opportunity.
- Accessibility.
- Equality between men and women.
- Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

GBDN Charter Principles

- Respect and promotion of rights: raising awareness and combatting stigma and stereotypes.
- Non-discrimination: Implement policies that protect from all forms of discrimination.
- Equality of treatment and opportunities: Providing reasonable accommodations in recruitment, training, job retention and career development.
- Accessibility: make company premises and communication accessible.
- Job retention: Support employees who acquire a disability to stay in or return to work.
- Confidentiality: Safeguard personal information regarding disability.
- Attention to all types of disabilities: Address the needs of persons with intellectual, psychosocial, and other disabilities facing different barriers to employment.
- Collaboration: Work with business partners, employer networks, and OPDs to promote disability-inclusive employment.
- Evaluation: Regularly review disability inclusion policies and practices for effectiveness.
- Knowledge Sharing: Report and share company efforts on disability employment with stakeholders.

Annex 2: Reflective questions for fair recruitment actors

Recruiters

- What are the general challenges migrant workers with disabilities face in securing fair recruitment and decent work?
- Why do recruiters hesitate to recommend migrant workers with disabilities, and how do concerns about employer preferences and government policies influence their decisions?
- What changes from (a) worker organisations, (b) employers and (c) governments would make it easier for recruiters to place migrant workers with disabilities in jobs?

Workers Organisations

- What are the general challenges migrant workers with disabilities face in securing fair recruitment and decent work?
- What struggles have you encountered including migrant workers with disabilities in membership, advocacy, and support services?
- What do (a) governments, (b) employers, and (c) recruiters need to do, to remove barriers for migrant workers with disabilities?

Employer Organisations

- What are the general challenges migrant workers with disabilities face in securing fair recruitment and decent work?
- What difficulties do you face in accommodating (recruitment and workplace) migrant workers with disabilities, (and what drives the perception that inclusion is too costly or inefficient)?
- What changes in (a) recruitment policies, (b) government regulations, (c) workers organisations practices would make hiring migrant workers with disabilities easier for you?

Government of Country of Origin (COO)

- What are the general challenges migrant workers with disabilities face in securing fair recruitment and decent work?
- How do medical exam policies and pre-departure requirements in the COO contribute to barriers for migrant workers with disabilities?
- What policy, services or procedural changes are needed by (a) COO, (b) employers, (c) recruiters or (d) workers organisations to ensure that migrant workers with disabilities have a fair chance at recruitment and employment?

Government of Country of Destination (COD)

- What are the general challenges migrant workers with disabilities face in securing fair recruitment and decent work?
- How do restrictive immigration and labour policies, such as medical-based exclusions prevent migrant workers with disabilities from being recruited?
- What policy, services or procedural changes are needed by (a) COD, (b) employers, (c) recruiters or (d) workers organisations to ensure that migrant workers with disabilities have a fair chance at recruitment and employment?