

**ASGI (Associazione Studi Giuridici sull'Immigrazione)  
PRESS RELEASE**

**ASGI WARNS OF THE RISK OF VERY SERIOUS CONSEQUENCES FOR THE  
HEALTH OF MIGRANTS AND OF THE COLLECTIVITY.**

ASGI expresses its deepest concern for the seriousness of the proposal, presented by some senators during the examination of DDL [law decree] 773, to modify the current art. 35 of D. Lgs [legislative decree] 286/98, endangering the constitutional principle of access to medical care. In particular, we highlight that the envisaged suppression of free urgent or essential care provision to foreigners who are not registered in the national health service and do not have adequate economic resources, inevitably contravenes art. 32 of the Constitution, which protects health as an individual's fundamental right and as an interest for collectivity, guaranteeing free medical care for people who are destitute.

Moreover, the proposal to force health authorities to inform the competent authorities about foreigners who do not pay for the service they receive, even if they are destitute, as well as the abrogation of the legal provision contained in point 5, which guarantees that access to medical care does not have to entail any notification, except for cases involving obligatory reporting, in the same conditions applicable to Italian citizens, would have very serious effects, not only on the health of every individual person, but also for public health in general. Thus modified, the norm would in fact act as an extremely strong dissuasive element with regards to foreigners who, for a variety of reasons, may find themselves in a situation where they are not in compliance with norms on residence, pushing them to avoid resorting to the care of the national health service, entailing an unacceptable prejudice to the right of every person to care, which is affirmed by the constitutional text and by related and persistent jurisprudence. Foreigners would hence be increasingly marginalised, constituting an easy basin for interests and profit in relation to their difficult condition. Furthermore, the potential but extremely serious fall-out this measure may have on public health, caused by an increase in the risk of transmission of various pathologies, due to the stay on the territory of people who would end up without adequate care.

For the reasons detailed above, ASGI issues a strong appeal to all the political forces in order for the Parliament to forcefully reject the mentioned amendment to art. 35 of D.Lgs 286/98.

On the other hand, ASGI wishes for the approval of the proposal, put forward by some senators during the conversion of DDL 773, to envisage that, in accordance with the UN Convention of New York of 20.11.1989 on the rights of the child, ratified by Italy through Law 176/91, and without prejudice to what is established in art. 35 of D.Lgs 286/98, every foreign minor should enjoy a full right to benefit from medical paediatric services regardless of the regularity of their residence.

The ASGI President

Avv. Lorenzo Trucco

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[unofficial translation by Statewatch]