

# Towards Universal Health Coverage

## UNDOCUMENTED MIGRANTS AND THEIR RIGHT TO HEALTH IN ITALY



IN 2022, THERE WERE

**138'420**  
UNDOCUMENTED  
IMMIGRANTS IN ITALY



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### BACKGROUND<sup>(1,2,3)</sup>

- ⚖️ Concerns those who enter without permission or overstay their visa
- ⚖️ Can access free “essential/emergency” services if they possess an STP\* code (6 months validity)
- ⚖️ Large gap between the entitlement and utilization of services
- ⚖️ Italy sees illegal immigration as a threat to social security but Health care professionals cannot report illegal immigrants
- ⚖️ Italian health system is decentralized and tax-financed (75%), the rest is paid OOP\*\*



\*Straniero Temporaneamente Presente  
\*\*Out of pocket

## The Italian Constitution guarantees the right to health and free healthcare for those in need

“The Republic safeguards health as a fundamental right of the individual and as a collective interest (...)” Art. 32 Italian Constitution

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### THE LEGAL FRAMEWORK

#### NATIONAL

**Consolidated Act of Provisions concerning immigration and the condition of third country nationals**  
Legislative decree 286, Art. 35 par 3 (1999)

“Undocumented migrants can legally access:

- Essential services/urgent care
- Maternal and pregnancy care
- Child health services
- Vaccinations
- Diagnosis and treatment of infectious disease”

#### INTERNATIONAL

IECSCR,  
Art 12

“The right to a standard of living adequate for the health of himself and of his family (...)”

UNCRC,  
Art 24

“Parties recognize the right of the child to the enjoyment of the highest attainable standard of health (...)”

CFR,  
Art 35

“Everyone has the right of access to preventive health care (...) under conditions established by national laws and practices (...)”

ECHR,  
Art 3

“No one shall be subjected to torture or to inhuman or degrading treatment or punishment.”

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### ANALYSIS & CONCLUSION<sup>(1,6)</sup>

Italy legally provides health access to undocumented migrants that is in agreement with their international obligations

**The legal barrier is the differences in interpretation and implementation among the different regions in Italy.**

**Example :** Lombardy applies a very restrictive application of the law while Lazio interprets the law a little more freely and offers a wider range of health services.

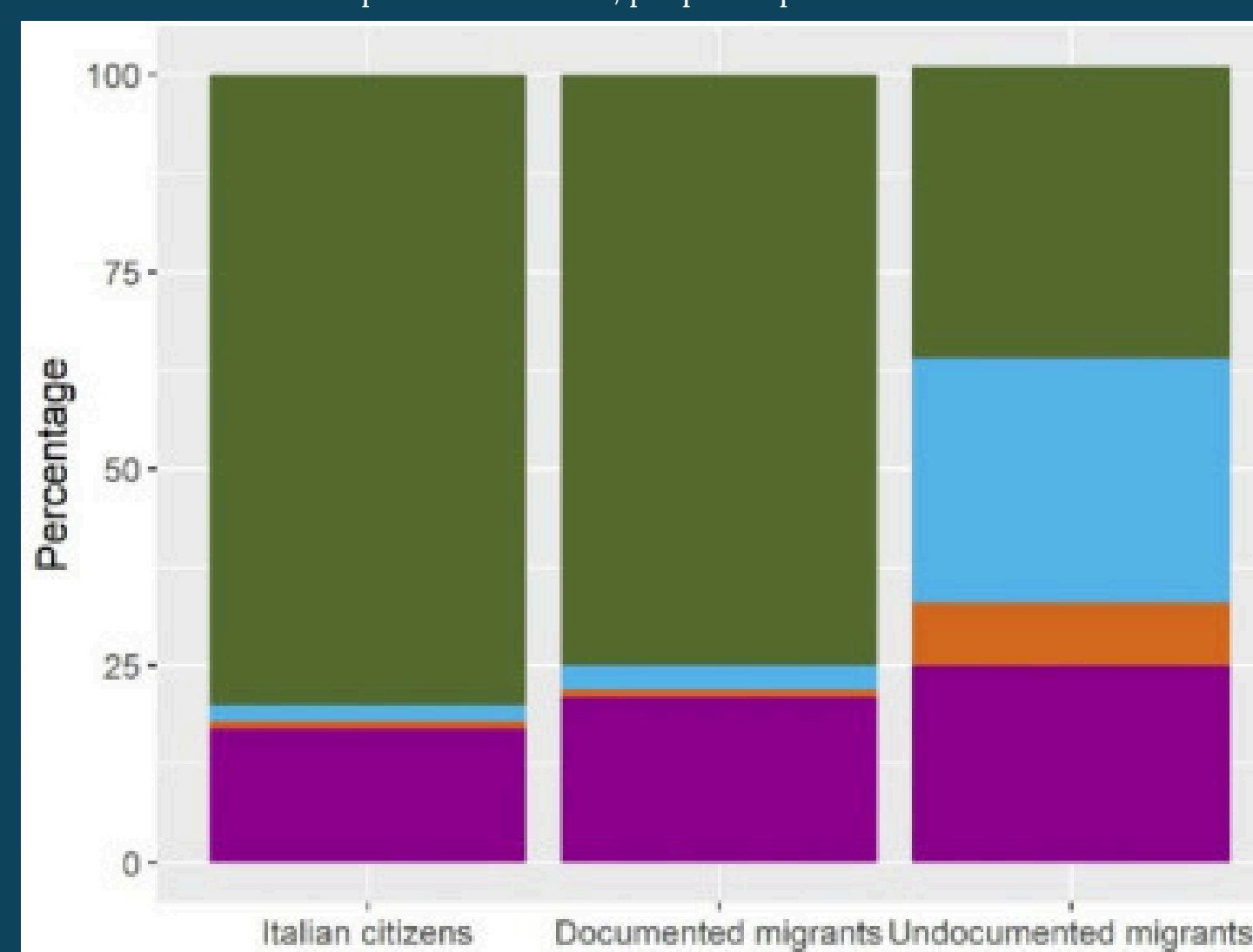
**Our recommendation :** Italy should enforce legal guidelines for the implementation of laws pertaining to the right to health of undocumented migrants to ensure quality care across the regions.

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### CURRENT HEALTH STATUS

- Undocumented migrants have limited access to preventative care and continuity of care resulting in higher rates of chronic conditions.<sup>(4)</sup> They have significantly higher emergency visits caused by difficulties in accessing primary care, resulting in the worsening of issues over time.<sup>(4)</sup> Receiving a new code every 6 months, hinders the continuity of care, as migrants are essentially gaining a new identity.<sup>(4)</sup>
- Mental health is an issue for migrants who experienced trauma<sup>(5)</sup>
- Other barriers to access<sup>(1)</sup>: bureaucratic procedures (including STP number), language, lack of information, marginalization and precarious living conditions

**Share of Access to health services**  
green = drug prescriptions ; blue = emergency department ; orange = hospital admissions ; purple = specialist visits



Listorti E, Torbica A, Cella SG, Fiorini G, Corrao G, Franchi M. Healthcare Services for Undocumented Migrants: Organisation and Costs from the Italian NHS Perspective. Int J Environ Res Public Health. 2022

### SOURCES AND LEGAL DOCUMENTS

We looked at human rights laws because there have been many cases of Italy being brought to the ECHR for human rights violations with respect to the treatment of undocumented migrants. We also looked at NGO assessment reports, a special rapporteur report and secondary sources.

- European Agency for Fundamental rights. Migrants in an irregular situation: access to healthcare in 10 European Union member states. Luxembourg: Publications Office of the European Union, 2011
- Eurostat. “Third Country Nationals Found to Be Illegally Present - Annual Data (Rounded).” 2022
- WHO. Global Health Expenditure Database. 2021

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5. Lebano, A., Hamed, S., Bradby, H. et al. Migrants' and refugees' health status and healthcare in Europe: a scoping literature review. BMC Public Health 20, 1039. 2020. <https://doi.org/10.1186/s12889-020-08749-8>

6. Human Rights Council, UN General Assembly. Report of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, on her visit to Italy. 2019

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