

RIGHTS DON'T ASK FOR PERMISSION

**Minors, foreigners
and people
with disabilities**



But do you know that rights don't ask for permission? Even when your child with a disability needs a doctor

If you are not an Italian citizen and have a disabled child with health problems, be aware that he or she has the right to be examined and treated by a doctor as any Italian citizen.

Every child has these rights regardless of your residency status and/or permits.

Because human rights do not ask for permission.

The Legal Status of the Foreigner in Italy. The foreigner as a "person": as an individual who is entirely entitled to all basic human rights.

1 Right to Healthcare

Foreigners legally residing or on the condition of:

- Self-employed workers, employees and their families
- Permit holders (or awaiting renewal) for: work or awaiting employment, reunification, international protection (including political asylum and subsidiary protection), special protection;
- Foreign minors and unaccompanied foreign minors;
- Pregnancy and puerperium up to a maximum of six months from the birth of the child

Have the right to equal treatment and process as Italian citizens as well as the duty and the obligation to contribute. This assistance is provided in Italy by the National Health Service (known as Servizio Sanitario Nazionale, SSN) during its temporal validity.

Under the same conditions of parity, rehabilitation assistance and the supply of prostheses are also

guaranteed. Health care is available to dependent family members who reside in Italy. Minor children of foreigners are guaranteed the same treatment from birth as enrolled minors, whether they are already enrolled or are awaiting enrolment.

Even if the parents of the minor child do not fall into any of the categories above which require one to register with the SSN, their minor children still have the right to receive health care and in the case of a disability, to enjoy the same benefits insured for their Italian peers.

The art. 23 of the Convention on the Rights of the Child recognizes that all children with disabilities, both physical and psychological, have the right to special care, even free of charge. The art. 25 also specifies that the States guarantee all children a periodic check of medical care. In execution of these principles, they are guaranteed vaccinations

These services are provided at no cost to applicants if they lack sufficient economic resources, without prejudice to the participation fees on equal terms with Italian citizens.

But do you know that rights don't ask for permission? Even when you need help for your child with a disability.

If you are not an Italian citizen and have a child with a disability, if you have a residence card or permit valid for at least one year, your child is entitled to receive the same economic aid provided by the state for Italian citizens with disabilities.

2 Right to social health and social benefits

Foreigners holding a residence card or permit valid for at least one year, as well as minors listed on their residence card or permit, are treated as equivalent to Italian citizens for the purposes of benefiting from the benefits and services, including economic ones, of social assistance.

Foreign people with disabilities can in any case contact the local/municipality services that specialize in economic, welfare, educational, school, work, housing, and social and health needs.

The interventions for foreign minors with disabilities are the same as those provided for their Italian peers and can be of an economic, social-welfare, or educational nature.

According to the severity of the disabilities, minors are granted monthly financial aid that is called child disability allowance (for the most serious) or attendance allowance.

To obtain these and other aids, it is necessary to obtain proof of the disability. You must first contact the attending physician, who draws up a certificate and then ask for an assessment visit. The minor then undergoes an examination and the Commission draws up a report establishing the condition of disability.

But do you know that rights don't ask for permission? Even when your disabled child has to go to school.

If you are not an Italian citizen and have a child with a disability, be aware that you can, or rather you should, send him or her to school because

the Italian law guarantees him or her to attend school and receive assistance including teacher support, along with other assistance/aid deemed necessary.

Again, these rights are independent of whether or not you are in possession of residency permits. Because human rights do not ask for permission.

3 Right to Education

Minors of non-Italian citizenship living in the national territory have the right/duty to education and training, in the forms and methods provided for all Italian citizens, regardless of the regularity of their position as per their stay and the possession of any documentation.

The general school legislation includes pupils with disabilities and all the provisions in force concerning the right to education, access to educational services, participation in the life of the school community, apply to minors of non-Italian citizenship, including the right to support services or educational assistance or communication.

The certification of disability is the prerequisite for the attribution of support and integration measures to the student with disabilities, however it is necessary that he or she is recognized as a student with disabilities.

Following this assessment, the family should ask the specialist health service for the Functional Diagnosis, which is necessary for the activation of support interventions in schools. This Diagnosis must be delivered to the Headmaster together with the certification of the student with disabilities.

Specific Learning Disabilities (SLD)

In the event that you suspect your child has specific learning disabilities (SLD) - dyslexia, dyscalculia,

dysgraphia - it is necessary to contact the paediatrician and teachers to evaluate any skill enhancement activity, and subsequently to the specific department of health services for the child. In case of SLD certification, it is therefore necessary to immediately deliver the diagnosis to the school and request the Personalized Didactic Plan (PDP) in which the support and precautions necessary to achieve the academic success of pupils with SLD are defined.

These may include special services (reading aloud, taking notes, etc.), personalized time of realization of the activities, evaluation (the form is not evaluated but only the content), etc.

These tools can also allow to compensate for the functional weakness deriving from the disorder, facilitating the execution of compromised tasks. For example: speech synthesis, which transforms a reading task into a listening task - the recorder, which allows the pupil or student not to write the notes of the lesson - or video writing programs with a spell checker.

Special Educational Needs (SEN)

The Italian Ministry of Education has already included Special Educational Needs for many years and also situations deriving from socio-economic, linguistic and cultural disadvantage.

It is therefore possible to recognize among the SEN, above all, but not only to, those students newly entered in Italy, over 16 years old, coming from non-Latin-speaking countries, or who have other problems.

Schools - after specific analysis - can therefore make use of the compensatory tools and dispensatory measures provided for by the implementing provisions of Law 170/2010 (BES USR Guidelines of January 2014) for all pupils with special educational needs.

The dispensatory measures and the compensatory instruments provided must in any case be of a transitory nature and must comply with the didactic aspects, thus favouring educational and didactic strategies through personalized paths.

Not all students of foreign citizenship have special educational needs (not even students of recent immigration), but they often require didactic interventions related to language learning and only exceptionally formalization through a Personalized Didactic Plan for foreigners.

This Plan must be completed only and exclusively in the event that a foreign pupil, in a temporary situation of linguistic disadvantage, is unable to follow the didactic path common to the class and is adopted for the time deemed strictly necessary for adequate recovery. The criteria that the class council will use to establish the need for a Personalized Study Plan for foreigners - linguistic disadvantages (PSP), are based on language tests, levels of schooling, length of stay in Italy, arrival in Italy and the language of origin.

Find out more

Italian Government – National Integration Website

<http://www.integrazionemigranti.gov.it/>

ASGI - Association for Juridical Studies on Immigration

<https://www.asgi.it/>

ISMU Foundation - Initiatives and Studies on Multi-ethnicity

<https://www.ismu.org/>

NAGA Association

<https://naga.it/>

CGIL (Italian Trade Union) Immigration Office

<http://www.cgil.it/cat/immigrazione/>

www.fishonlus.it