

**Question for written answer E-004680/2014
to the Commission**

Rule 117

Willy Meyer (GUE/NGL)

Subject: Chaotic implementation of Royal Decree 16/2012 in the Community of Madrid

The action group 'Yo Sí Sanidad Universal', which campaigns for universal healthcare, recently complained that the implementation of Royal Decree Law 16/2012, which in practice leaves irregular immigrants without healthcare, is creating serious confusion for hospital management and leaves room for arbitrary decisions to justify the refusal to provide healthcare.

The action group complains that the implementation of the decree is leading to chaotic management in the Community of Madrid, where irregularities have been found regarding the granting of the status of visiting foreign citizen without a residence permit ('Transeúnte sin permiso de residencia' – TIR). People with this status are entitled to check-ups and tests, but cannot be prescribed medicines. It is becoming more and more difficult to obtain this status, even though there has been no clear decision or legal judgment refusing it. The action group cites the case of a Bangladeshi citizen suffering from tuberculosis.

As Izquierda Unida (United Left) has been pointing out since the tragic death of Alpha Pam on 21 April 2013, precisely as a result of the refusal to provide treatment for tuberculosis, there is a loophole in the Return Directive (2008/115/EC), since Member States are obliged only to provide basic treatment for irregular immigrants who 'are subject to return'. Spain is taking advantage of this loophole and of administrative chaos in implementing the directive in order in effect to withdraw basic healthcare from people whose papers are not in order.

This situation has also been condemned by the Council of Europe, and the Commission should take clear action on the loophole in the directive which opens the way for behaviour such as that shown by Spain, so that eminently preventable deaths are indeed prevented.

Is the Commission aware of the chaotic implementation of this decree in the Community of Madrid?

Will the Commission shoulder its responsibility and use its parliamentary initiative to fill the legal vacuum in Directive 2008/115/EC, in order to ensure that Spain cannot continue to refuse to provide healthcare for irregular immigrants?