

Immigration issues and age estimation of asylum seekers: the rough pathway between law and ethics

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ABSTRACT

Immigration to, and asylum seeking in an European country has never been such an important phenomenon as it is currently evident from the daily chronicles. In 2015 as many as 1.006.551 asylum seekers arrived at the EU borders, with a sharp drop in 2016 (about 260000 in the first half of 2016). Therefore immigration must be considered as one of the core issues in the European Union (EU) policies and a major concern for the EU as a whole. Age is one of the main parameters to establish a biological profile of an individual. When the asylum seekers' (AS) age is unknown or is questioned by the authorities and considered not valid or unreliable, age estimation procedures are necessary to determine if that individual is accountable for his actions in criminal law, shall undergo specific obligations (educational, for instance) or should receive specific aides or other providences from the state administration. Moreover, important administrative and civil issues rely on an individual's age. Therefore, at the EU borders, the age of the asylum seeker is the first and most important parameter to obtain the permission or the refusal to enter the EU. Moreover, the Schengen Act (2006) enables the free movement of individuals within the Schengen Area countries. As such, once granted the entrance in the EU, the asylum seeker can freely move from country to country within the EU area. Due to the many implications of age estimation, not only for the asylum seeker and his/her future but also for the whole EU community, the age estimation procedures need to be standardized and considered as one of the major issues, forging the future EU immigration policies and regulations. Currently, no common European law exists on immigration requirements and procedures which defines in detail the procedures for age estimation and requirements to be performed, currently mainly governed only by simple technical recommendations issued by national or local scientific institutions. No common ethical code exists so far even if in some countries a debate about the ethical issues on the methods for age estimation already exists and is nowadays rising its voice.