

ECRE COUNTRY REPORT 2002: FINLAND

ARRIVALS

1. Total number of individual asylum seekers who arrived, with monthly breakdown and percentage variation between years:

Table 1:

Month	2001	2002	Variation +/- (%)
January	122	172	+41.0
February	109	122	+11.9
March	169	107	-36.7
April	172	202	+17.4
May	90	405	+350.0
June	111	548	+393.7
July	177	300	+69.5
August	198	323	+63.1
September	118	381	+222.9
October	164	465	+183.5
November	102	236	+131.4
December	119	182	+52.9
TOTAL	1,651	3,443	+108.5

Source: Directorate of Immigration.

Comments: Large numbers of Roma minorities from Romania and the Slovak Republic sought asylum in Finland. There were no new amendments to the Aliens Act, which could explain the increase in applications. New strict amendments to the Aliens Act in Denmark during 2002 could have had some influence on the increase in applications in Finland.

2. Breakdown according to the country of origin/nationality, with percentage variation:

Table 2:

Country	2001	2002	Variation +/- (%)
Romania	36	596	+1555.6
Slovak Republic	88	421	+378.4
Bosnia-Herzegovina	44	309	+602.3
Bulgaria	-	287	-
Russia	289	272	-5.9
FRY	98	223	+127.6
Turkey	97	197	+103.1
Iraq	103	115	+11.7
<i>Others</i>	896	1,023	+14.2
TOTAL	1,651	3,443	+108.5

Source: Directorate of Immigration.

Comments: Large numbers of people of Roma origin from Eastern Europe sought asylum in Finland, and especially those from Romania constituted a group of renewed significance.

3. Persons arriving under family reunification procedure: 476 (2001: 495).

These figures are not included under paragraphs 1 and 2 above.

4. Refugees arriving as part of a resettlement programme:

Table 3:

Country of origin	2001	2002
Iran	178	280
Afghanistan	250	194
Sudan	110	130
Iraq	46	69
Burundi	-	9
DR Congo	-	8
Somalia	-	3
Rwanda	-	1
<i>Others</i>	<i>155</i>	-
TOTAL	739	694

Source: Ministry of Labour.

Comments: The official quota for 2002 was 750. 72 out of these 694 are categorised as emergency cases, in which people were selected only on the basis of documents, and no interviews were conducted.

5. Unaccompanied minors: 70 (2001: 34).

The majority of unaccompanied minors arriving in 2002 originated from Somalia.

RECOGNITION RATES

6. The statuses accorded as an absolute number and as a percentage of total decisions:

Table 4:

Status	2001		2002	
	Number	%	Number	%
No status awarded	1,083	49.0	2,312	69.3
Convention status (A3)	4	0.2	14	0.4
Residence permit – in need of protection (A3)	347	15.7	250	7.5
Residence permit (A4)	427	19.3	240	7.2
Residence permit – family member (A5)	47	2.1	58	1.7
Residence permit – temporarily unable to return (D1)	-	-	29	0.9
Annulment	300	13.6	431	12.9
TOTAL	2,208	100	3,334	100

Source: Directorate of Immigration.

7. Refugee recognition rates (1951 Convention: as an absolute number and as a percentage of total decisions) according to country of origin:

Table 5:

Country of origin	2001		2002	
	Number	%	Number	%
Lebanon	-	-	1	33.3
China	-	-	2	18.2
Syria	-	-	4	16.0
Rwanda	-	-	1	8.3
Iran	-	-	4	6.0

Sri Lanka	-	-	1	4.0
Somalia	-	-	1	1.7
Myanmar	1	50.0	-	-
Afghanistan	2	3.4	-	-
Iraq	1	0.9	-	-
TOTAL	4	0.2	14	0.4

Source: Directorate of Immigration.

RETURNS, REMOVALS, DETENTION AND DISMISSED CLAIMS

8. Persons returned on safe third country grounds: 5 (2001: 6).

Countries of origin: Slovak Republic (4); Albania (1).

9. Persons returned on safe country of origin grounds: 322 (2001: 108).

Countries of origin: Slovak Republic (274); Czech Republic (27); Lithuania (8); Poland (6); Latvia (5); Estonia (1); Hungary (1).

10. Number of applications determined inadmissible:

There is no inadmissibility procedure in Finland.

11. Number of asylum seekers denied entry to the territory:

An alien who does not meet the necessary requirements for entry into Finland, and who applies for asylum at a border point, should not be rejected until a decision has been made on his or her application. According to the Aliens Act, the decision on entry regarding asylum seekers shall not be made by the passport control or police authority, as is the case for other aliens, but by the Directorate of Immigration.

12. Number of asylum seekers detained, the maximum length of and grounds for detention: 1,126 (2001: 896).

This figure includes all detentions conducted according to the Aliens Act, as well as detentions in order to prepare for the expulsion of rejected asylum seekers. There is no maximum length of detention. The first instance court processes the detention case within four days, after which it considers the legality of the detention every two weeks. Asylum seekers whose identity and travel route cannot be verified are often detained upon arrival in Finland.

13. Deportations of rejected asylum seekers: 868.

The police estimate that they are able to deport 80% of rejected asylum seekers.

14. Details of assisted return programmes, and numbers of those returned: 5 (IOM) and 21 (Ministry of Labour) (2001: 37).

The IOM regional office for Baltic and Nordic States in Helsinki is involved in a project called 'The Return of Qualified Afghans Programme', which aims to boost reconstruction, capacity building and development in post-conflict Afghanistan through the progressive transfer of Afghan expatriate professionals to their home country. The RQA Programme, by 2004, will have facilitated the return, short and long term employment, and general reintegration of an estimated 1,500 skilled and qualified Afghan nationals currently residing outside Afghanistan. In addition, 500 persons will be awarded a

self-employment grant to start their own business. In Finland thirty-two Afghans have made applications, and five candidates have subsequently been employed in Afghanistan through the RQA programme.

According to the Ministry of Labour, twenty-one refugees (mainly from Bosnia-Herzegovina) returned, thus receiving a return allowance.

15. Dublin Convention practice comments:

334 persons were returned to other countries on Dublin convention grounds (122 in 2001).

15.1 Dublin Convention practice:

Table 6:

	Total number of requests presented by Finland to other Dublin States	Total number of requests addressed to Finland by other Dublin States
Requests presented	398	681
% of requests in total number of applications	11.6	19.8
Requests accepted	*231	-
% of requests accepted in requests presented	58.0	-
Requests refused	-	-
% of requests refused in requests presented	-	-
Requests under Article 9	-	-

Source: Directorate of Immigration.

Comments: These figures refer to requests to 'take charge' (Article 11) and to 'take back' (Article 13).

Other registered requests are those for information, under Article 15:

- by Finland: 6,370.
- to Finland: 1,990.

* Number of requests accepted from 1 January 2002 until 31 October 2002.

15.2 Requests by country:

Table 7:

Country	Number of requests presented by Finland to other Dublin states	Number of requests addressed to Finland by other Dublin states
Austria	2	19
Belgium	9	5
Denmark	23	12
France	23	13
Germany	134	21
Greece	11	1
Iceland	-	4
Ireland	1	1
Italy	14	2
Luxembourg	-	1
Netherlands	17	14
Norway	79	356

Portugal	1	-
Spain	8	9
Sweden	74	220
United Kingdom	2	3

Source: Directorate of Immigration.

Comments: Figures refer to requests to 'take charge' (Article 11) and to 'take back' (Article 13).

Italics refer to non-EU countries.

SPECIFIC REFUGEE GROUPS

16. Developments regarding refugee groups of particular concern:

Afghanistan

Most Afghans (seventeen persons) received a residence permit based on the need for protection (*de facto* status), although no convention statuses were granted for Afghans in 2002. Afghans were not returned in the aftermath of the conflict.

Iraq

Most Iraqis received residence permits either based on the need for protection (A3 - 58 persons) or on the grounds that 'refusing a residence permit would be clearly unreasonable' (A4 - 17 persons). No convention statuses were granted to Iraqis in 2002. Some Iraqis (14 persons) also received temporary status, which is valid for one year, and is only given if the person cannot be returned immediately. There were only two negative decisions (first instance) for Iraqis, and fourteen Dublin cases.

LEGAL AND PROCEDURAL DEVELOPMENTS

17. New legislation passed:

A new law on the establishment of a detention centre for foreigners taken into detention under the Aliens Act came into force on 1 March 2002.

Finland made alterations to the Aliens Act concerning temporary protection, in order to comply with the EU directive, although these provisions have not yet been used. The Aliens Act states that the government will decide when and in relation to which people temporary protection will be applied, and it may be granted for a maximum of three years. At the same time, provisions concerning the reception of those in need of temporary protection were added to the Act on the Integration of Immigrants and Reception of Asylum Seekers. Both these amendments came into force on 1 March 2002.

The government's proposal for overall reform of the Aliens Act was presented to the Parliament in December 2002, but due to the lack of time before the general election in March 2003 the proposal was dropped. The Refugee Advice Centre and other NGOs had announced their own respective positions on the proposal.

18. Changes in refugee determination procedure, appeal or deportation procedures:

There were no significant changes in these procedures in 2002.

19. Important case-law relating to the qualification for refugee status and other forms of protection:

Supreme Administrative Court

The Supreme Administrative Court granted leave to appeal to thirteen stateless Palestinians from Lebanon, and examined the appeals in 2002. The Court's decisions were the first authoritative rulings in Finland on Article 1D of the 1951 Convention. The argument put forward by the legal counsels was based on UNHCR's opinion that all Palestinians fleeing from UNWRA mandate areas for security and reasons of protection are refugees *ipso facto*. The Supreme Administrative Court did not find the applicants had any such reason, and thus also examined the appeals on the grounds of Article 1 (A)2 of the 1951 Convention and Section 31 of the Finnish Aliens Act, relating to complementary protection. The Court did not find that there was sufficient evidence to suggest that the applicants had a well-founded fear of persecution or were in risk of inhuman or degrading treatment. All applications were rejected and the applicants subsequently returned to Lebanon.

Helsinki Administrative Court

The Helsinki Administrative Court ruled in 2002 on the appeal of an applicant from Rwanda who is half Tutsi, half Hutu. He had experienced human rights violations at the hands of the RPF (Rwandan Patriotic Front) while working as an interpreter for the UNAMIR during 1994 and 1995. He had also worked on behalf of the FRD (Resistance Forces for Democracy), a human rights organisation and exile opposition group, and contributed to the International Tribunal of Rwanda. The Court held the application to be credible, and his fear of persecution well founded on the grounds of his opposition activities.

The Helsinki Administrative Court ruled on several cases concerning southern Somalis that the applicants were in need of international protection. The reasoning was based on UNHCR's assessment of the security situation in regions south of Galkaayo, which the Court deemed to be dangerous enough to satisfy the requirement laid down in Section 31 of the Aliens Act ruling on complementary protection. Accordingly, a person can be in need of protection if general unrest, civil war or internal crisis prevails in his home country. The Court, furthermore, acknowledged that Somalis belonging to southern clans cannot find protection in Somaliland.

There were several appeals of Afghan citizens who had been granted a residence permit on the grounds that denying a permit would be unreasonable. The appeals were generally successful on individual grounds. While no refugee statuses were granted, most applicants were considered to be in risk of inhuman or degrading treatment and thus in need of protection. All were granted *de facto* statuses by virtue of Section 31 of the Aliens Act.

20. Developments in the use of the exclusion clauses of the Refugee Convention in the context of the national security debate:

The application of exclusion clauses has been minimal in Finland. In 2002 there was one asylum appeal case decided in the Helsinki Administrative Court where the issue of exclusion was raised. While the case was pending the Security Police issued a statement arguing that there were compelling reasons relating to national security that the applicant should be excluded; and thus there was a confusion of Article 1 F and Article 33 (2) of the 1951 Convention. The Court did not rule on exclusion, but rejected the appeal on its merits, giving no reason to touch upon the issue of exclusion.

The Finnish Aliens Act is undergoing a comprehensive reform. The previous Cabinet introduced a Bill to Parliament in February 2003. Due to the forthcoming elections in March, Parliament dismissed the Bill on the grounds of insufficient time to process the proposal. The new Cabinet will introduce the Bill again with only technical amendments. Therefore, the outcome of the debate on exclusion is still very much of interest.

There has been little general discussion on exclusion and national security. However, the exclusion clauses are included in Section 87 of the Bill *verbatim*. The novelty in the Bill is to include the scope of application of the clauses into Section 88, which lays down the rules on need of protection, including complementary forms of protection by virtue of Section 9.4 of the Constitution, Article 3 of the ECHR, Article 3 of the CAT and Article 7 of the CCPR.

21. Developments regarding readmission and cooperation agreements:

There were no significant developments regarding readmission and cooperation agreements in 2002.

THE SOCIAL DIMENSION

22. Changes in the reception system:

A detention centre for asylum seekers and other foreigners who have been taken into detention under the Aliens Act was opened in July 2002.

23. Changes in the social welfare policy relevant to refugees:

There were no significant changes in the social welfare policy relevant to refugees in 2002.

24. Changes in policy relating to refugee integration:

The government gave a report on implementation of the Integration Act in May. The main findings of the report:

- The Act on the Integration of Immigrants, having entered into force three years ago, is considered to be both functioning well and necessary.
- The Act is considered to have enhanced the status of immigrants.
- The implementation of the Integration Act is still incomplete. The municipalities and the labour administration find it problematic that no new resources have been allocated for the implementation of the Act.
- The central problem of immigrants' training is the insufficiency of the system.
- Improvements are to be made relating to the status of immigrant children and women, as well as of aging immigrants. Further improvements are required in the reception of asylum seekers, the habitation of immigrants, specialised services, information, and the prevention of racism and discrimination.

25. Changes in family reunion policy:

There were no significant changes in family reunion policy in 2002.

OTHER POLICY DEVELOPMENTS

26. Developments in resettlement policy:

There were no significant developments in resettlement policy in 2002.

27. Developments in return policy:

There were no significant developments in return policy in 2002.

28. Developments in border control measures:

There were no significant developments in border control measures in 2002.

29. Other developments in refugee policy:

The European Commission against Racism and Intolerance (ECRI), set up by the Council of Europe, released its second follow-up report on Finland on 23 July 2002. Among other things, ECRI draw attention to various aspects of the asylum procedure, including the long waiting period for first instance decisions on asylum applications. ECRI also notes that serious concerns have been voiced as to whether the accelerated procedures in the Aliens Act are in compliance with the requirements of Article 13 of the European Convention on Human Rights. Moreover, concerns have been voiced that the safe country of origin concept has in practice led to 'group decisions' being taken on asylum applications rather than individual decisions based on the specific circumstances and experiences of each asylum seeker. ECRI is of the opinion that resorting to more restrictive policies and legislation in such a context may only tend to exacerbate public misconceptions and prejudices concerning asylum seekers and refugees.

POLITICAL CONTEXT

30. Government in power during 2002:

The Prime Minister was Paavo Lipponen, whose Social Democratic Party formed the majority in government. The other parties in power were the National Coalition Party (the Conservatives), the Leftist Party, the Swedish People's Party and the Finnish Green League.

31. Governmental policy vis-à-vis EU developments:

The governmental EU group had regular meetings, in which some NGOs (including the Refugee Advice Centre) had the opportunity to discuss EU issues on asylum and immigration with government officials.

Preparations continued under the leadership of the Ministry of Labour on national implementation of the Council directives on implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, and establishing a general framework for equal treatment in employment and occupation. NGOs were also involved in the preparations.

32. Asylum in the national political agenda:

Asylum issues were a topic of debate in Finnish politics while the overall reform of the Aliens Act was under preparation. In various preparatory stages of the Act, the most discussed subjects were accelerated asylum procedures and the reunification of unaccompanied minor asylum seekers with their families.