



EMN Study 2009

ANNUAL POLICY REPORT 2008

The Finnish Contact Point for the European Migration Network, Helsinki, Finland, 5.6.2009





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EXECUTIVE SUMMARY

This is the Annual Policy Report 2008 of the Finnish National Contact Point for the European Migration Network. The report gives an insight into the most significant political and legislative developments, as well as public debates in the area of migration and asylum. The reference period of the report is from 1st of January 2008 to 31st of December 2008.

In 2008, the main change in the field of migration management was that all the migration and asylum issues were transferred to the Ministry of the Interior and a Migration department was established within the ministry. A new integration unit was also formed within this department. Consequently these changes also brought about some new developments for the implementing agencies functioning under the ministry. The most visible change for the Directorate of Immigration in Finland was that to reflect the new developments and upcoming changes, on the 1st of January 2008 its name was changed to Finnish Immigration Service (MIGRI). Also in the beginning of the year 2008 the Advisory Board for the Finnish Immigration Service was launched as part of the reorganisation of migration management. The Advisory Board consists of invited members and includes immigrants' representatives along with the traditional interest groups. Even though the migration and asylum issues are for the most part under the governance of the Ministry of the Interior, the Ministry for Foreign Affairs, the Ministry of Employment and the Economy, the Ministry of Education, the Ministry of Justice and the Ministry for Social Affairs and Health all deal with certain aspects of the migration and asylum policy of Finland.

Up to the present time, Finland has not had an action plan, or strategy, for labour migration and hence the developments in 2008 in this regard are groundbreaking. The Ministry of the Interior set up a project for the period 3 March 2008 – 30 April 2009 for drafting an action plan for labour migration in accordance with the Government's Migration Policy Programme.

The total number of applications for a residence permit in 2008 was 22904. The number of asylum seekers was 4035. Compared to previous year, there was a decrease in the work-based residence permits probably due to the beginning recession, and a significant increase in the number of applications for political asylum, particularly for unaccompanied minors (UAM), with a 700 % increase their applications.¹

¹ More statistical data is provided in the web pages of the Finnish Immigration Service: www.migri.fi



The migration and asylum issues were increasingly highlighted in the media in 2008. According to the Finnish Immigration Service's media survey, there were over 480 articles solely about the Finnish Immigration Service in the Finnish news papers.

Section 1 gives an overall picture of the general political developments in the area of migration and asylum. The main features for 2008 included in this report are the municipal elections and the development project of the Special Rapporteur Ole Norrback.

Section 2 describes the general legal system in the area of migration and asylum. It gives a general overview of the main policy and legislative issues and debates, such as promoting the work-related immigration, as well as debates on the different attitudes towards immigration.

Section 3 provides information about implementation of EU legislation. In 2008, only one Council Directive was implemented into the Finnish law. On the 8th of August 2008, the Council Directive 2005/71/ EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research was implemented into the Aliens Act according to the Government Proposal (167/2007). Also the Government Proposal (86/2008) for implementation of the Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status was given in 2008, but the law itself will come into force in 2009.

The annexes include information on how the study was produced: the methodology, terms and definitions used in the report.



1. Political Developments in Finland

1.1. General Structure²

The Finnish Government directs immigration policy and its administration following the targets set in the Government Programme³ and approved Government Resolutions. The Ministry of the Interior⁴, through the Migration Department⁵, is in charge of the migration issues. Its tasks are preparing policy and legislation, supervising the activities of the Finnish Immigration Service and taking part in international, EU and national co-operation in the field of migration and asylum. In accordance with the Government Programme, the Ministry of the Interior pursues an active, comprehensive and consistent immigration policy that takes full account of labour needs, immigrants' many different reasons for seeking entry, and Finland's international responsibilities. The Office of the Council of State is in charge of the co-ordination of EU issues in general. The Minister of Migration and European Affairs⁶, Astrid Thors, affirms the main focuses in the overall operational and financial plan for the administration of internal affairs. She is the first minister of this policy area in Finland. The Ministry of the Interior directs the Finnish Immigration Service and the Employment and Economic Development Centres⁷, which carry regional responsibility for immigration and integration matters. Within the Ministry of the Interior apart from the Migration Department, some aspects of immigration matters are also handled by the Border Guard⁸ and the Police⁹.

The Finnish Immigration Service¹⁰ (MIGRI) deals with and resolves matters related to the entry of individual foreigners into Finland, residence, deportation, refugee status and citizenship. In practice, the Finnish Immigration Service grants residence permits to foreigners and processes applications for asylum from investigation to decision-making. It grants aliens' passports and travel documents for refugees and decides on refusals of entry and deportation. MIGRI is also in charge of naturalisation applications, declarations concerning Finnish citizenship, and defini-

² For further information, the Finnish national contact point for EMN has completed the National Report on the "Organisation of Asylum and Migration Policies in Finland"² in the end of 2008.

³ According to the programme of Prime Minister Vanhanen's second Government, the objective in immigration is to develop an active, pervasive and coherent policy which takes into account both labour needs and the variety of starting points concerning immigrants, as well as international obligations.

<http://www.valtioneuvosto.fi/hallitus/hallitusohjelma/pdf/en.pdf>, 1.6.2009.

⁴ www.intermin.fi, 1.6.2009.

⁵ <http://www.intermin.fi/intermin/home.nsf/pages/2FF6FE098BF08BC0C2257386003E3008?opendocument>, 3.6.2009.

⁶ <http://www.valtioneuvosto.fi/hallitus/jasenet/maahanmuutto-ja-eurooppaministeri/en.jsp>, 1.6.2009.

⁷ <http://www.te-keskus.fi>, 1.6.2009.

⁸ <http://www.raja.fi>, 1.6.2009.

⁹ <http://www.poliisi.fi>, 1.6.2009.

¹⁰ <http://www.migri.fi>, 1.6.2009.



tion of citizenship status as well as the maintenance of the register of aliens. It produces information services for international needs and domestic decision-makers and authorities and participates in international co-operation in its field of operation. MIGRI established its Advisory Board on 11 April 2008.

The Ministry of Employment and the Economy and the Ministry of the Interior are jointly responsible for monitoring the volume and structure of work-related immigration and for developing monitoring methods.¹¹ The employment offices work with the Employment and Economic Development Centres to arrange the necessary labour market policy measures and employment services for immigrants. The Ministry for Foreign Affairs¹² is responsible for visa policy. Finnish missions abroad grant visas and accept citizenship declarations and residence permit applications.

The Ombudsman for Minorities¹³ is an independent authority which supervises compliance with the prohibition of ethnic discrimination under the Non-Discrimination Act. The National Discrimination Tribunal¹⁴ attached to the Ministry of Interior is also an independent body which examines cases of discrimination based on ethnicity. There is also the Advisory Board for Ethnic Relations (ETNO)¹⁵ which is a broad-based expert body set up by the Finnish Government. Its purpose is to promote interaction between Finland's ethnic minorities and the authorities, NGOs and the political parties in Parliament.

1.2. General Political Developments

The main political event during the year 2008 was the municipal elections, which were held in October 2008. The voter turnout was 61.2%, a slight improvement on four years ago, when just 58.6 % went to the polls. The largest number of votes went to the right-wing National Coalition Party, which got 23.4 % of the total amount of votes. The Social Democratic Party got 21.2% of the total, and the Centre Party was third with 20.1%. The Green League finished fourth nationwide with 8.9% of the vote, just ahead of the Left Alliance, which got 8.8%. Surprisingly the populist right-wing True Finns party made the greatest proportional gains taking 5.4% of the vote, an increase of 4.5 points of percentage from last time. The Swedish People's Party got

¹¹ <http://www.intermin.fi/intermin/home.nsf/pages/A5906F534D7BF793C22573B500300FF4?opendocument>, 1.6.2009.

¹² <http://www.formin.fi>, 1.6.2009.

¹³ <http://www.intermin.fi/intermin/vvt/home.nsf/pages/index3>, 1.6.2009.

¹⁴ <http://www.intermin.fi/intermin/hankkeet/sltk/home.nsf/pages/indexeng>, 1.6.2009.

¹⁵ <http://www.intermin.fi/intermin/home.nsf/pages/A6DAD54E3A9379A2C22573B50030FDAA>, 1.6.2009.



4.7% of the vote, and the Christian Democrats gained slightly by getting 4.2%. The smallest groups were the Finnish Communist Party, the Seniors Party and the Independence Party. A party's result on a national level has no bearing on the makeup of individual city councils, but gives an indication of the party's average popularity.¹⁶ During the elections one of the parties' topics under discussion was immigration. Migration issues were a topic of colourful debates and the parties took their diverse stands on migration policy. The populist True Finns party, which ran candidates with strong ideas on restricting immigration, gained higher number of votes than ever. The party also fielded independent candidates, including of the representatives of the neo-nationalistic movement called Suomen Sisu¹⁷ ("Finnish Guts"). This gives opportunities for individuals within mainstream parties to gain political visibility by adopting a more populist stance.¹⁸ The post-election media was full of migration-related columns and comments.

The main development in the field of migration and asylum management cum politics in 2008 was the development project for the time period of 1.11.2007 – 30.4.2008 set up by the Ministry of the Interior. It was tasked to develop the administration of migration and the Finnish Immigration Service in order to carry out the Government's Migration Policy Programme 2006¹⁹ more efficiently. On the 6th of May in 2008, the appointed Special Rapporteur, Ambassador Ole Norrback, handed in his report²⁰ concerning the improvement of the actions of migration administration and the Finnish Immigration Service to the Minister of Migration and European Affairs. The basic policy definitions given in the report that concern the reformation of organisation structures are the following:

- The administration of migration should be improved and structural changes should be made to strengthen the migration of labour and to reform the working methods of the Finnish Immigration Service. The central issue in the structural development of the administration of migration is to strengthen the position of the Ministry of Interior as the Ministry of Migration and Integration.
- The Finnish Immigration Service becomes the central agency which would administrate all the main fields of migration. Besides its current permit issues, it also gains the responsibility of the functional integration of immigrants, the co-

¹⁶ http://yle.fi/uutiset/muu/2008/10/national_coalition_party_and_true_finns_big_winners_in_municipal_elections_357712.html, 1.6.2009.

¹⁷ <http://www.suomensisu.org>, 3.6.2009.

¹⁸ Archer, Toby - "Immigration in Europe at a Time of Economic Hardship"; Briefing paper 27; 2009; The Finnish Institute of International Affairs. www.upi-fiia.fi/assets/publications/UPI_Briefing_Paper_27_2009.pdf, 1.6.2009.

¹⁹ [http://www.intermin.fi/intermin/images.nsf/files/620a7bb47a3b1008c22573b60050a16c/\\$file/thj371_mamupol_ohjelma.pdf](http://www.intermin.fi/intermin/images.nsf/files/620a7bb47a3b1008c22573b60050a16c/$file/thj371_mamupol_ohjelma.pdf), 3.6.2009.

²⁰ Norrback, Ole – Maahanmuuttohallinnon ja Maahanmuuttoviraston toiminnan kehittäminen; Report of the Special Rapporteur; Publications of the Ministry of the Interior 15/2008; The Ministry of the Interior; Helsinki; 2008. [http://www.intermin.fi/intermin/biblio.nsf/32ACF24C1B320B66C22574410028B9D2/\\$file/152008.pdf](http://www.intermin.fi/intermin/biblio.nsf/32ACF24C1B320B66C22574410028B9D2/$file/152008.pdf), 1.6.2009.



ordination of the reception of asylum-seekers and refugees, the execution of visa issues and the task of promoting ethnic equality.

The report of the Special Rapporteur includes propositions of transferring tasks to the subordination of the Ministry of the Interior from the other ministries, as well as developing the functions of the Finnish Immigration Service. The report emphasizes the importance of integration measures for all migrants and proposes unifying the responsibility of the conduct of integration. One proposition of Norrback was to transfer the enforcement tasks of visa issues under the governance of the Finnish Immigration Service, but the Ministry for Foreign Affairs left a cogent dissenting opinion concerning it.

On the 6th of March 2008, the Ministry of Interior also set up a project and a working group until the end of the year 2009, which aims at structural development of the administrative branch of the Ministry of Interior. The aim is that the structure of the migration administration promotes the realisation of active, comprehensive and consistent migration policy. One of the tasks of this working group is to go through the report of the Special Rapporteur, and to plan the implementation of the proposals it makes.

In the Government's Migration Policy Programme 2006, one of the future policies is promoting work-related immigration. The immigration of persons coming to Finland for jobs should be increased in order to replace the aging population leaving the labour market. In their joint opinion, Finnish labour market organisations also endorse increasing work-related immigration.²¹ Over the next few years, the main measures will be to chart all the measures covered by the immigration policy programme and to draw up an action plan for work-related immigration. Immigrants and their families moving to Finland for work purposes will receive assistance through a guidance system laid out in the Government Programme.

On August the 29th of 2007, the Government set up a project to prepare the Internal Security Programme. This was mandated by the Government Programme of Prime Minister Matti Vanhanen's second Cabinet, which states that the Government will determine the primary objectives and measures for internal security in an inter-agency Internal Security Programme. The Programme extends to the year 2015. The Government adopted a Resolution concerning the Programme on 8 May 2008. The objective of the Programme is for Finland to be the safest

²¹ [http://www.intermin.fi/intermin/images.nsf/files/4fa9c2d5f18675d9c22573cc0040597b/\\$file/finland2007.pdf](http://www.intermin.fi/intermin/images.nsf/files/4fa9c2d5f18675d9c22573cc0040597b/$file/finland2007.pdf), 1.6.2009.



country in Europe in 2015.²² In addition to the other key areas of internal security, the Internal Security Programme specifies the objectives and measures concerning immigration:

- improving the security of immigrants and ethnic minorities,
- reducing violence,
- improving border security, prevention of illegal immigration, customs security, prevention of human trafficking and comparable crimes and
- combating organised crime, preventing cyber crime and Internet-related risks, combating terrorism, and preventing illegal extremist activities and violent radicalisation.²³

1.3. Institutional Developments

On January the 1st 2008, a partial legislative and organisational reform fundamentally changed the structures of the Finnish migration organisation. A new entity responsible for all migration, asylum and integration issues was formed under the subordination of the Ministry of the Interior. The Migration Policy Team of the Policy Department and the Migration and Working Permit Team of the Execution Department of the Ministry of Labour, the Advisory Board of Ethnic Relations, the reception centres, the Office of the Ombudsman for Minorities and the National Discrimination Tribunal were moved from the Ministry of Labour to the Ministry of the Interior. At the same time the name of the Directorate of Immigration was changed to Finnish Immigration Service, the Ministry of the Interior's Immigration Department was changed to Migration Department. The new names were to reflect better the actual and future content of the task description of these authorities, and to correspond better with the concepts used in the EU.²⁴

One of the consequences of this reform was that in the Migration Department of the Ministry of the Interior, a new unit was established for the integration of foreigners. It works in close cooperation with the Ministry of Education, Ministry of Social Affairs and Health, Ministry of Employment and Economy and the Ministry of Environment. The unit promotes a co-ordinated ap-

²² The Programme contains 74 measures, which are based on estimates of future challenges and principal development needs in internal security. Each measure designates a responsible party and involved parties, and also includes a timetable for implementation. The Programme has been prepared through broad-based cooperation between ministries, organisations and the business sector. The implementation and monitoring of the Programme are coordinated by the Ministry of the Interior.

²³ "Safety First – Internal Security Programme 2008"; Government Plenary Session 8 May 2008; Publications of the Ministry of the Interior; 25/2008.

[http://www.intermin.fi/intermin/biblio.nsf/B48B12C5D837461AC22574C00025B90A/\\$file/252008.pdf](http://www.intermin.fi/intermin/biblio.nsf/B48B12C5D837461AC22574C00025B90A/$file/252008.pdf), 1.6.2009.

²⁴ Government Bill 90/2007 (HE 90/2007 vp - Hallituksen esitys Eduskunnalle eräiden tehtävien siirtämistä sisäasiainministeriöön koskevaksi lainsäädännöksi).



proach and shared responsibility in integration issues between different ministries, for example to promote labour based immigration.²⁵

On January 1, 2008, responsibility for the reception centres was transferred from the Ministry of Labour to the Ministry of the Interior according to the Government Programme. Currently there are 11 reception centres: two of them are managed by the State, six by the local municipalities and three by the Finnish Red Cross. Even though on the national level the reception centres are under the authority of the Ministry of the Interior, on the municipal level their functions are currently supervised by the Employment and Economic Development. A further development in this area in 2008 was that a government proposal was made to transfer the supervision of the reception centres in its totality to the Finnish Immigration Service (MIGRI). This was one of the suggestions made in the report by the special rapporteur for the Ministry of Interior's development project on developing migration administration and the function of MIGRI. Consequently, the planning for necessary practical arrangements has been started to give MIGRI the required competence in the practical steering of reception centres, and for the placement of asylum-seekers in reception centres or private accommodation. This transfer of responsibilities is expected to take place in autumn 2009.

As part of the reorganisation of migration management, the Advisory Board for the Finnish Immigration Service was established at the beginning of 2008. The Advisory Board consists of invited members and includes immigrants' representatives along with the traditional interest groups. The task of the Advisory Board is to review the courses of development and policies of Finnish Immigration Service operations, put forward relevant initiatives, and to enable the Service to exploit the expertise of Advisory Board members in the organisation and development of service provision.²⁶

²⁵ Government Bill 90/2007 (HE 90/2007 vp - Hallituksen esitys Eduskunnalle eräiden tehtävien siirtämistä sisäasiainministeriöön koskevaksi lainsäädännöksi).

²⁶ <http://www.migri.fi/netcomm/content.asp?path=8.2470,2704>, 3.6.2009.



2. Policy and Legislative Developments in the area of Migration and Asylum

2.1. General Structure²⁷

The Finnish government drafts law proposals with the cooperation of relevant ministries, and laws are enacted by the Finnish Parliament. The most relevant laws in Finland in the area of migration and asylum are the Finnish Constitution²⁸, Aliens Act (301/2004)²⁹, Nationality Act (359/2003)³⁰, Act on the Integration of Immigrants and Reception of Asylum Seekers (493/1999)³¹, Non-Discrimination Act (21/2004)³², Administrative Procedure Act (434/2003)³³ and Administrative Judicial Procedure Act (586/1996)³⁴. Other relevant laws are the Act on the Register of Aliens (1270/1997)³⁵, Act on the Finnish Immigration Service (156/1995)³⁶ and the Act on the Ombudsman for Minorities and the Discrimination Board (660/2001)³⁷. All the directives of the EU Council related to migration are implemented per se, or included in the Finnish legislation.

The Migration Department of the Ministry of the Interior is in charge of the migration policy. Its tasks are preparing policy and legislation, supervising the activities of the Finnish Immigration Service and taking part in international, EU and national co-operation in the field of migration and asylum. The Finnish Immigration Service deals with and resolves matters related to the entry of individual foreigners into Finland according to the Aliens Act and Nationality Act.

The Ministerial Working Group on Migration Policy discusses and decides on important migration policy issues e.g. allocation of the annual refugee quota. Its members are current Minister of Migration and European Affairs, Minister of the Interior, Minister of Education, Minister of Health and Social Affairs, Minister of Labour, Minister of Economic Affairs, Minister of Public Administration and Local Government and Minister of Foreign Trade and Development.

²⁷ The National Report on the "Organisation of Asylum and Migration Policies in Finland" provided by the Finnish National Contact Point for EMN in 2008 includes more information on this subject.

²⁸ <http://www.finlex.fi/fi/laki/kaannokset/1999/en19990731.pdf>, 1.6.2009.

²⁹ <http://www.finlex.fi/fi/laki/kaannokset/2004/en20040301.pdf>, 1.6.2009.

³⁰ <http://www.finlex.fi/fi/laki/kaannokset/2003/en20030359.pdf>, 1.6.2009.

³¹ <http://www.finlex.fi/fi/laki/kaannokset/1999/en19990493.pdf>, 1.6.2009.

³² <http://www.finlex.fi/fi/laki/kaannokset/2004/en20040021.pdf>, 1.6.2009.

³³ <http://www.finlex.fi/fi/laki/kaannokset/2003/en20030434.pdf>, 1.6.2009.

³⁴ <http://www.finlex.fi/fi/laki/kaannokset/1996/en19960586.pdf>, 1.6.2009.

³⁵ <http://www.finlex.fi/fi/laki/ajantasa/1997/19971270>, 1.6.2009.

³⁶ <http://www.finlex.fi/fi/laki/ajantasa/1995/19950156>, 1.6.2009.

³⁷ <http://www.finlex.fi/fi/laki/ajantasa/2001/20010660>, 1.6.2009.



The general structure of the legal system in the area of migration and asylum is a part of the administrative law. The rule of law is taken care of so that nearly all decisions of the Finnish Immigration Service, the police, a border control authority, an employment office or a Finnish mission referred to in Aliens Act, may be appealed to an Administrative Court³⁸ as provided in the Administrative Judicial Procedure Act. Decisions concerning international protection can be appealed only to the Helsinki Administrative Court. The Administrative Court can either reject the appeal or annul the decision made by the Finnish Immigration Service. If it annuls the decision, it will send the matter back to the Finnish Immigration Service for reprocessing. If the Administrative Court rejects the appeal, the appeal process can be continued by appealing to the Supreme Administrative Court³⁹, if the Supreme Administrative Court grants a right to appeal.

2.2. General Overview of the Main Policy and Legislative Debates

The main topics in the area of general migration and asylum politics in 2008 have been the following. The principal aim was to centralize all the migration administration under the Ministry of the Interior. The Ministry of Interior creates, with intensive cooperation with the other administration fields, NGO's and the third sector a unified, comprehensive and anticipatory migration policy. The reception of asylum-seekers, the preparation of the refugee quota selection and the foreigners' custody unit were being transferred under the governance of the Ministry of the Interior. One of the aims in the migration and asylum policies was to develop the unified migration and asylum policy of the EU together with the other member states and to create constructive cooperation with other states and international organisations.⁴⁰

Promoting work-related immigration and the integration of immigrants were the two central topics in the political migration discussion in 2008. The Ministry of the Interior has prepared several measures to promote labour migration. The government's Migration Policy Programme states the basic guidelines for active labour migration: The main change will be that the permit system for labour immigration shall be simplified. This is done in cooperation with other ministries and labour market organizations.

Migration and asylum issues are being increasingly highlighted today in various contexts in the Finnish society as well as in the media. Many stakeholders in the area of migration and asylum

³⁸ <http://www.oikeus.fi/17598.htm>, 1.6.2009.

³⁹ <http://www.kho.fi>, 3.6.2009.

⁴⁰ "Turvallinen, monikulttuurinen, hyvinvoiva ja kilpailukykyinen Suomi" – The Future Survey of the Ministry of the Interior; 15/2007.



advise and give information both to immigrants and various institutions, such as governmental and non-governmental organisations and associations. During the last few years there has been a lot of public discussion about Finland's migration policy. Finland is a party to all the main international conventions dealing with human rights and refugees, and also follows the EU migration regulations. The Finnish migration policy has always gone hand in hand with the general policy of its time. The present issue is whether or not there is a unified official stand in migration topics, and that there should be a more open discussion among the citizens about which are the bases and aims of Finnish migration policy. In public debate, the lines between the different forms of migration tend to become blurred. Concerns on public level tend to be expressed in vague views that immigration is changing "our" society and probably not for the better. It is hard for public debate to engage with the specific issues of the differing types of migrants, instead all immigrant groups are lumped together, and more general concerns about social change come into play.⁴¹ Especially before and after the municipal elections in 2008, all the political parties took their stand on the subject and the positions were variable. There seems to be two common interests in the migration policy field: to promote work-related and humanitarian immigration. According to the Finnish Immigration Service's media survey, there were at least 480 articles solely about the Finnish Immigration Service in the Finnish news papers.

In Finland there has been much debate around the proposals for a new immigration bill. The Minister of Migration and European Affairs, Astrid Thors, presented her adjustments to the current Aliens Act, proposing a review on certain provisions in the Act. The idea was to establish a more liberal and less bureaucratic Aliens Act, but it faced a lot of criticism and consequently it did not get passed in the parliament. A number of Members of Parliament examining the proposed changes to the law said that it would produce the most liberal immigration law in Europe. There were also differences of opinion within the government coalition, not just between the opposition and the ruling coalition.

⁴¹ Archer, Toby - "Immigration in Europe at a Time of Economic Hardship"; Briefing paper 27; 2009; The Finnish Institute of International Affairs. www.upi-fiia.fi/assets/publications/UPI_Briefing_Paper_27_2009.pdf, 1.6.2009.



2.3. Specific Policy and Legislative Developments in the area of Migration and Asylum

2.3.1. Control and Monitoring of Immigration

During the year 2008, there was a significant increase in the numbers of apprehended illegal aliens and applications for asylum within the national territory of Finland. This started an intensive debate before the municipal elections in the autumn. However, substantial changes to legislation or policy were not made although briefings were made on future labour migration. Emphasis was put on ILO (Immigration Liaison Officers' Network) activities in third countries especially due to the start of the External Borders Fund. Currently Finland is preparing at the time being amendments in the legislation to introduce residence card with biometric features.

In the field of control and monitoring of immigration, the Government Proposal 219/2008 was given to rearrange the competence in border checks. It strengthens the border control and prevents illegal migration and human trafficking. The law is to come into force in 2009. The Finnish Border Guard has developed and implemented automated border check lanes for EU-citizens at Helsinki-Vantaa airport in 2008. Next development phase will be a device applicable for all the passengers regardless the citizenship. That will be developed and tested at Vaalimaa land border crossing point in 2009- 2010.

The "Safety First – Internal Security Programme 2008 -2012" of Government plenary session (8 May 2008) gives some of the main focuses in the area of control and monitoring of immigration. The aim is to maintain a high risk of exposure of all illegal immigration, customs crime and other border crossing crime at the Schengen border. More emphasis is put on the border checks concerning the movement of people, goods and vehicles by allocating more staff and by developing the monitoring systems and techniques at the border. The operations of the Russian border and customs authorities receive support from Finland. The aim is also to make customs checks based on the risk analysis and to strengthen the monitoring of immigrants and crime prevention both in-country and at the inner borders of Schengen area by developing cooperation between the relevant authorities and organisations.⁴²

In 2008, the authorities participating in the migration processes are about to renew the methods and data processing system related to migration and nationality issues. The current Register of

⁴² "Rajaturvallisuus, ihmiskaupan estäminen ja laittoman maahantulon torjunta" – Sisäisen turvallisuuden ohjelman valmisteluun osallistuneen asiantuntijaryhmän loppuraportti. The Ministry of the Interior, the 31st of March 2008.



Aliens and other measures related to different data bases regarding foreigners will be replaced with a new electronic case management system called UMA. The aim of the Finnish Immigration Service's new project is to digitalize all the processes dealing with foreign population. The new data processing system will be introduced in the autumn of 2009.⁴³

2.3.2. Refugee Protection and Asylum

In 2008, the number of asylum-seekers was 2,5 times higher compared to the year 2007: the total number of asylum-seekers was 4035. The top five countries of origin for the asylum seekers in 2008 were Iraq (1255), Somalia (1181), Afghanistan (254), Russia (209) and Iran (144). The application numbers started to increase rapidly in the second half of the year 2008, when Somali refugees started to arrive in the Finnish border in large numbers. As this happened at the same time with the Finnish municipal elections, it caused wide discussion and debates among the political parties and the public. One debate concerned the location of the extra housing that needed to be secured quickly to accommodate the ever increasing number of applicants, as the current reception facilities were full to the brim. For example, some politicians and members of the public criticised the use of prime location in the form of two hotels that had recently closed their operations in the Helsinki city centre as reception centres for the asylum seekers. A public discussion on the abuse of the asylum process also grew as the number of asylum seekers kept growing.

Top 10 Countries of Origin of Asylum Seekers in 2006-2008

<u>2006 Total 2324</u> <u>75 different nationalities</u>	<u>2007 Total 1505</u> <u>72 different nationalities</u>	<u>2008 Total 4035</u> <u>78 different nationalities</u>
1. Bulgaria 463	1. Iraq 327	1. Iraq 1255
2. Serbia* 286	2. Russia 172	2. Somalia 1181
3. Iraq 225	3. Serbia* 151	3. Afghanistan 254
4. Russia 176	4. Afghanistan 96	4. Russia 209
5. Afghanistan 97	5. Somalia 82	5. Serbia* 172
6. Belarus 97	6. Iran 79	6. Iran 144
7. Somalia 92	7. Turkey 73	7. Bulgaria 82
8. Iran 91	8. Belarus 48	8. Nigeria 77
9. Nigeria 64	9. Nigeria 41	9. Belarus 68
10. Turkey 41	10. Congo Rep. 36	10. Turkey 65

*) Incl. asylum seekers from Serbia, former Yugoslavia, Serbia Montenegro and Kosovo

⁴³ <https://manu.migri.fi/public/default.aspx?contentid=1715&nodeid=7944>, 1.6.2009.



As part of a cross-sector project the Finnish Immigration Service has drafted Asylum Guidelines. The renewed guidelines were published on 13 November 2008 (amended 19 December 2008).⁴⁴ The purpose of the guidelines is support of the processing of applications of persons in need of international protection without delay, of uniformity both in application of the law and in procedures, as well as of the realisation of legal protection in the asylum process.

The Refugee Advice Centre and the Finnish Immigration Service have together been developing the asylum interview since the beginning of 2008. This is the first time that an asylum process has been developed jointly by an NGO and state officials. The project has received funding from the European Refugee Fund (ERF).⁴⁵ As a result of this, a list of recommendations for the development of the asylum interview was created.

In legal praxis, the first decisions were made in returning refugees to Afghanistan. According to the Country Information Unit of the Finnish Immigration Service, the safety situation in Afghanistan was no longer considered grounds for granting international protection, nor an obstacle for removal. The Supreme Administrative Court gave its' first decisions according to this practice in 2008. In five cases the Supreme Administrative Court dismissed the petition for leave of appeal. In one case the Supreme Administrative Court granted the leave to appeal because the appellant came from an area considered dangerous by the UNHCR.

The Government Proposal (86/2008) for implementation of the Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status was given in 2008, but the law itself will come into force in 2009.

⁴⁴ Finnish Immigration Service Asylum Guidelines, 13 November 2008 109/032/2008.

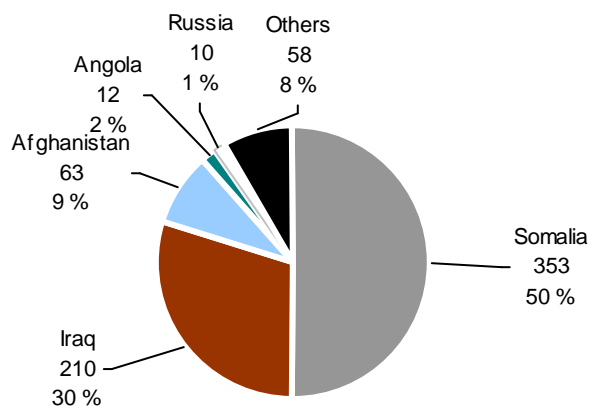
⁴⁵ <http://www.migri.fi/netcomm/content.asp?article=3512>, 1.6.2009.



2.3.3. Unaccompanied Minors (and other vulnerable groups)⁴⁶

Unaccompanied minors as asylum seekers made the headlines in 2008 as the number of applicants rose from 165 applicants in 2007 to 706, an increase of nearly 700 percent. The examination of asylum statistics for 2008 reveals that this growth was a natural consequence of the increased number of adult asylum seekers, a group which has witnessed steady growth since May 2008. The typical unaccompanied minor seeking asylum in Finland is a boy of 15 to 17 years from Somalia, Iraq or Afghanistan.

Unaccompanied Minors 2008, Top 5 nationalities



In 2008 a total of 228 decisions were issued for unaccompanied minors seeking asylum, of which 157 were positive⁴⁷. A total of 50 Dublin decisions were made concerning unaccompanied minors. These Dublin decisions chiefly concerned applicants posing as minors in Finland while they had actually registered as adults in another Member State. In April 2008, the management group of the migration issues within the Ministry of the Interior made a decision that in Dublin cases the unaccompanied minors will not be returned to Greece. This decision confirms the already established practice of the Finnish Immigration Service that has been in use for almost a year.

⁴⁶ The Immigration Policy Programme of the Finnish Government was published in October 2006 with the general objective of defining immigration policy values that respect human and fundamental rights, strengthen a good administrative culture and prevent threats relating to immigration. The Immigration Policy Programme comprises a total of 34 policies, one of which (policy 27) pertains to the interest of children. According to the policy, the principle of the interest of the child shall be taken into consideration in asylum and refugee policy as a permeating principle. The review of the realisation of the interest of unaccompanied minors continues, for example, in the Ministry of the Interior project on the treatment of persons placed in detention under the Aliens Act, the operations of the detention unit and the requirements and procedures for placement in detention. The project has received an extension until April 2009. A project surveying the realisation of the interest of the child in decisions relating to children as asylum seekers and refugees is also being drafted (Minister of Immigration Astrid Thors, 6 November 2008).

[http://www.intermin.fi/intermin/images.nsf/files/620a7bb47a3b1008c22573b60050a16c/\\$file/thj371_mamupol_ohjelm_a.pdf](http://www.intermin.fi/intermin/images.nsf/files/620a7bb47a3b1008c22573b60050a16c/$file/thj371_mamupol_ohjelm_a.pdf), 1.6.2009.

⁴⁷ Out of the 63 negative decisions 50 were issued within the Dublin procedure. Nine minors seeking asylum were granted a completely negative decision after they were found by age determination to be adults and had no credible grounds for persecution.



Several civic organisations have expressed their concern over issues such as the reception, placement and legal protection of underage asylum seekers. The growth in the number of unaccompanied minors as asylum seekers also received widespread attention in the media. According to a media survey for 2008 conducted by the Finnish Immigration Service, at least 38 sources covered the subject of minors. Topics making the headlines chiefly included the rise in the number of minors seeking asylum, age determination, interview activities and reception. What is noteworthy is that writing concerning minors seeking asylum was chiefly the result of statistics published by the Finnish Immigration Service. Writings on the minor process itself were relatively rare. Problematic areas relating to the minor process include long asylum interviews, detention, the haphazardness of age determination, the availability of therapy and rehabilitation services and the lack of so-called after-care. Reasons for the increasing figures reported in the media included the tightened asylum policy in Sweden and so-called “anchor children”, children sent by their parents to seek asylum in Europe. The general concern among the governmental and non-governmental organisations is that there should be more information, research and statistics on unaccompanied minors.

A notable increase in the number of unaccompanied minors seeking asylum in 2008 brought about a shortage of available reception places. To relieve the situation authorities turned to the Nutukka project⁴⁸ (young asylum seekers in folk high schools), launched by the Ministry of Labour, where reception places are applied for minors seeking asylum at folk high schools. The project aims at supporting their independence and growth into adulthood. The project grew out of the concern over young people managing the new life situation of being surrounded by a foreign culture without the social support of the family.

All minors under the age of 18 are appointed a representative, who takes care that the child’s best interests are seen to in the asylum process, as well in the reception conditions. The rapid increase in the number of unaccompanied minor asylum seekers created problems in recruiting and training new representatives. The unaccompanied minors usually arrive without identification documents. Age is assessed in the Police procedure as they interview the asylum seekers to determine their identity and travel route. Some unaccompanied asylum-seekers are deemed to look much older than they claim to be. There has been discussion about the necessity of the age assessment, the precision of the research methods and the adequacy for non-medical purposes. Age assessment is not enacted in the national legislation.

⁴⁸ www.nutukka.org, 1.6.2009.



The Revised Plan of Action against Trafficking in Human Beings published in September 2008 has a chapter dedicated to unaccompanied minors in connection with the assistance system for victims of human trafficking.⁴⁹ The action plan states that the expertise of the reception centre personnel taking care of child victims and the cooperation networks for matters linked to minors and child protection are sufficiently strong for the purpose of helping minor victims of human trafficking. In the opinion of the steering group the greatest risks and need for special services involve cases where criminals attempt to regain their hold on the victimised child.

The new Child Welfare Act (417/2007; amendments up to 1390/2007 included) came into force on 1 January 2008. The objective of the Act is to protect children's rights to a safe growth environment, to balanced and well-rounded development and to special protection.

2.3.4. Economic Migration

Compared to the previous year, there were fewer applications for the residence permits for employed persons due to the beginning of the economic recession. Yet in Finland there is a shortage in skilled labour in some regions (e.g. doctors and nurses). In 2008, there were 6848 applications for residence permit for an employed person in total. The top five countries represented in applications for residence permit for employed persons were Russia (2115), Ukraine (629), China (581), Turkey (271), Thailand (261) and India (137).

As already mentioned in this report, in the Migration Policy Programme made in 2006 by the Finnish Government, the main focus in 2008 has been on the work-related immigration and several measures have been prepared to promote labour migration to Finland. The Ministry of the Interior is drafting a government proposal to simplify the permit system pertaining to labour immigration. This is done in cooperation with other ministries and labour market organizations. The current permit system applying to labour immigration is based on the Aliens Act (301/2004) entering into force on 1 May 2004. An employee's permit of residence is issued in two steps. Firstly, the Employment Office assesses the availability of suitable labour force for the work in question at the labour market within a reasonable time. In addition, the Employment Office evaluates the adequacy of the working conditions, the preconditions of the employer to act as an employer and the adequacy of the alien's livelihood. After a positive decision has been made, the Finnish Immigration Service grants the first permit of residence. The police grants the

⁴⁹"Revised National Plan of Action against Trafficking in Human Beings"; Publications of the Ministry of the Interior; 29/2008. [http://www.intermin.fi/intermin/biblio.nsf/527B78A391D0DEF7C22574DB004CFAAD/\\$file/292008.pdf](http://www.intermin.fi/intermin/biblio.nsf/527B78A391D0DEF7C22574DB004CFAAD/$file/292008.pdf), 3.6.2009.



continuation of the permit, unless there are compelling reasons not to which are associated with public order and safety, or if the application is regarded as an attempt to circumvent the provisions of the Aliens Act.

To promote migration, the Ministry of the Interior set up a project for the period 3 March 2008 – 30 April 2009 for drafting an action plan for labour migration in accordance with the Government's Migration Policy Programme. A steering group was established for this purpose, with members invited from the essential ministries and labour market entities. The project plan describes the situation regarding labour migration, Finland's strategic policies in this respect, and the necessary measures and resources. The project further deals with the roles, responsibilities and cooperation of authorities in the development and promotion of labour migration, methods of joint operation and communication with various actors, and cooperation with the countries of departure both within the European Union and elsewhere. The programme also incorporates other programmes related to labour migration and the measures they contain. The impacts on labour migration of the rapid economic downturn at the end of 2008 have also been assessed and taken into account. The action plan will be presented to the group of ministers, which is in charge of migration issues in the end of May 2009.

One example of the projects incorporated to the action plan is a project launched on the 11th of February 2008 to find out the possible forms of cooperation with the countries of departure to promote the work-related immigration. The entities represented in the project, besides the Ministry of the Interior, were the Ministry of Foreign Affairs, the Ministry of Education, the Ministry of Social and Health Care, the Ministry of Employment and Economy and the Ministry of Finance. The working group was to find out the means of cooperation with the third countries to promote the immigration of labour and which would be the actions required from the Finnish authorities. The aim was a responsible and ethical recruiting, which would benefit the employed and the employee, as well as the societal development of the sending country. Also attention should be paid on the employment of immigrants already living in Finland. The working group has developed guidelines that relate to the tasks of public administration in the immigration of labour in Finland and abroad, the EU-funded programmes, the special issues in the immigration of the personnel on the social and health care sector, the preparation and language teaching organised in the sending country, the guidance system for immigrants and the promotion of employment of the foreign degree students.⁵⁰

⁵⁰ "Final report of the project Forms of cooperation with countries of origin for encouraging labour migration"; Publications of the Ministry of the Interior; 31/2008.
[http://www.intermin.fi/intermin/biblio.nsf/A9AF8FF1470F65D4C22574DB004DB30D/\\$file/312008.pdf](http://www.intermin.fi/intermin/biblio.nsf/A9AF8FF1470F65D4C22574DB004DB30D/$file/312008.pdf), 1.6.2009.



2.3.5. Family Reunification

In 2008, there were 7424 applications for family reunification in total, the five main countries being Russia (1514), Somalia (1167), India (459), Iraq (405) and Turkey (365).⁵¹ In consequence of the high rate of the unaccompanied minors seeking asylum, the rate of family reunification applications also increased.

2.3.6. Other Legal Migration

In 2008, there were 4832 applications of student residence permits. The top five countries of origin were Russia (902), China (690), Nigeria (338), Nepal (246) and USA (221). The number of foreign students applying for school has grown after the application system was digitalised. One reason also for the interest in the Finnish education because it is free of charge. Measures have been taken to improve the foreign students' possibilities to enter the labour market after been graduated in Finland. There has been discussion on the side-effects of this category of migrants, such as abuse, forgery and illegal immigration.

2.3.7. Citizenship and Naturalisation

In 2008, there were 4986 persons applying for a Finnish citizenship. The five main countries of origin of the applicants were Russia (1832), Somalia (420), Afghanistan (278), Iraq (266) and Serbia (255)⁵².

A reform of the Nationality Act was commenced in October 2008. The aim of the reform is to increase social cohesion and integration of foreign nationals permanently residing in Finland by enabling the acquisition of Finnish citizenship in a flexible manner. One of the planned changes is to shorten the time the applicant has had to live in Finland in order to be eligible for citizenship. At the moment it is required that the applicant has been permanently resident and domiciled in Finland for the last six years without interruption (in some cases the period of residence may be shorter). It is also under consideration that temporary residence in Finland will be taken into account when decisions on nationality are made. Furthermore, the reform aims to make acquiring of citizenship easier for students who have completed their studies in Finland. Other

⁵¹ One application may include applications of several persons (1-15).

⁵² Includes applicants, who were citizens of Serbia, Serbia and Montenegro, the Federal Republic of Yugoslavia or Yugoslavia in the Register of Aliens, when applying the Finnish citizenship.



general requirements for naturalisation will also be evaluated, particularly the language skills requirement and language testing along with the integrity requirement. Pursuant to the current provisions, the applicant has to have satisfactory oral and written skills in Finnish or Swedish, and the applicant must not have committed any punishable act or been placed under a restraining order. The Nationality Act lays down several exceptions to the eligibility criteria and the exceptions are under evaluation as well. The Government proposal concerning the reform is scheduled to be submitted to the Parliament in the 2009 fall session.

2.3.8. Integration

One of the consequences of the organisational reform implemented in 2008 was that a new unit for the integration of foreigners was established in the Migration Department of the Ministry of the Interior. It works in close co-operation with the Ministry of Education, Ministry of Social Affairs and Health, Ministry of Employment and the Economy and Ministry of Environment. The unit promotes a co-ordinated approach and shared responsibility in integration issues. To implement the reform, co-operation between different ministries was emphasised, for example to promote labour based immigration.⁵³

On the 16th of May 2008, the Ministry of the Interior appointed Mr Pentti Arajärvi, (incidentally the husband of the current president of Finland) as rapporteur for the project on employment obstacles and low-wages traps faced by the immigrants. The reason for setting up the project was the disproportionately high unemployment rate for foreign nationals, which is approximately three times as high as the average for the majority population in Finland. The Report was published on January the 29th 2009. The proposals in the report aim at strengthening immigrants' commitment to society and employment.

On 21st August 2008 the Government appointed the Advisory Board for Ethnic Relations (ETNO) for its fourth three-year period (2008-2011). ETNO's aims are twofold: to promote interaction between Finland's ethnic minorities and the authorities, NGOs and the political parties in Parliament, equally at the national, regional and local level, and to provide the ministries with immigration policy expertise in the interests of furthering an ethnically equal and diversified society.

⁵³ Government Bill 90/2007 (HE 90/2007 vp - Hallituksen esitys Eduskunnalle eräiden tehtävien siirtämistä sisäasiainministeriöön koskevaksi lainsäädännöksi).



On 2 October 2008 the Government submitted its second report on the implementation of the Act on the Integration of Immigrants and Reception of Asylum Seekers (Integration Act) to the Parliament. The report contains a number of proposals for amending the Act. On 14 April 2009, the Minister of Migration and European Affairs, Ms Astrid Thors, set up a project to reform the Integration Act.

2.3.9. Illegal Immigration

According to the National Bureau of Investigation, in 2008 the number of illegal aliens apprehended in Finland was 5404. Illegal immigration to Finland occurs from three directions: Russia, the Far East and across internal borders, the last-mentioned being the most common. The majority of illegal immigration cases across the external border were detected at Helsinki-Vantaa Airport and at the border crossing points in south-eastern Finland. The persons brought illegally into the country and detected at the external border were mainly from the Far East, the Middle East and the countries of the former CIS, and they had been provided with forged travel documents. In these cases, Finland is usually only a country of transit, the final destination being elsewhere in the European Union or in North America.⁵⁴

According to the Safety First - Internal Security Programme⁵⁵ published in 2008, the objective is for the authorities to engage in cooperation to prevent and detect illegal immigration to Finland, its facilitation, human trafficking, the import of goods hazardous to citizens and other cross-border crime. The smooth flow of cross-border traffic will be improved particularly along the south-eastern border of Finland and at Helsinki-Vantaa Airport. Finland's border security and customs security will be maintained at the 2007 level. Regarding the fight against illegal immigration, the objective is to keep the situation under control and to develop preventive measures in cooperation with other EU Member States, Schengen countries and the countries of origin of illegal immigration. Surveillance of foreign citizens will be enhanced nationwide to compensate for the adverse effects of discontinuing border checks at Schengen internal borders. Persons found to be in the country illegally will be speedily removed from the country according to legal procedures. Legislation will be reviewed to identify shortcomings that prevent the authorities from intervening more efficiently in situations where the Customs authorities have been given false information regarding imports, exports or transit traffic.

⁵⁴"Rajaturvallisuus, ihmiskaupan estäminen ja laittoman maahantulon torjunta" – Sisäisen turvallisuuden ohjelman valmisteluun osallistuneen asiantuntijaryhmän loppuraportti. The Ministry of the Interior, the 31st of March 2008.

⁵⁵"Safety First – Internal Security Programme 2008"; Government Plenary Session 8 May 2008; Publications of the Ministry of the Interior; 25/2008.
[http://www.intermin.fi/intermin/biblio.nsf/B48B12C5D837461AC22574C00025B90A/\\$file/252008.pdf](http://www.intermin.fi/intermin/biblio.nsf/B48B12C5D837461AC22574C00025B90A/$file/252008.pdf), 1.6.2009.



2.3.10. Actions against Human Trafficking⁵⁶

The use of foreign work-force has grown in Finland during the last few years and same time the number of work-force abuse cases has increased. During the year 2008 there were 10 human trafficking cases in the Police's information system, five of which were forced labour related; and also 14 work discrimination related cases, three of which are also being investigated as human trafficking.⁵⁷ Human trafficking has been linked also to prostitution, the sex industry and other sexual abuse.

Action against human trafficking has been launched in Finland in the manner specified in the National Action Plan against Trafficking in Human Beings, adopted by the Government on the 25 August 2005. In addition to various ministries and administrative sectors, this involves NGOs, the labour market organisations, churches and other religious communities, as well as municipalities. The Revised National Plan of Action against Trafficking in Human Beings was adopted by the Government on 25 June 2008. It contains a comprehensive description of future action to be taken against human trafficking in Finland.

The Revised Plan is built on a human-rights-based and victim-oriented approach and aims to take the child and gender aspect more closely into account in the implementation of various measures. The importance of cooperation and a cross-disciplinary approach in action against human trafficking is further stressed. The Revised Plan pays particular attention to the identification of victims, which has proved to be a challenging task. The aim is to keep the identification threshold low to make sure that the assistance will reach all victims. When combating human trafficking offences, the most important aim is to harmonise the interpretation of the Penal Code⁵⁸ and designations of offences, as the number of offences is on the increase, which adds to the workload in pre-trial investigation and the work of prosecutors and courts. Increased information will be provided in good cooperation among various actors and the media to promote public awareness, including information directed to victims. It is also important to combat grey economy and involve labour market organisations in combating exploitation of labour and traf-

⁵⁶ The amendment to the Aliens Act concerning the reflection period to be granted to victims of human trafficking and residence permits for victims of human trafficking came into force on 31 July 2006. The system for assisting victims of human trafficking was started during 2006 and was made statutory as of the beginning of 2007. The services and support measures in this system include legal and other counselling, crisis support, social and health services, interpreter services and other support services, provision of temporary or more permanent accommodation, income support and other necessary care, and support for a safe return to the person's home country or country of origin.

The probability of human trafficking occurring in Finland has been increased by the growth in transit traffic through Helsinki-Vantaa Airport and the new air routes to Asia which have been opened up in recent years. Transit road traffic from the former Soviet Union and the Far East through Russia and Finland to elsewhere in Europe has also a bearing on the human trafficking situation.

⁵⁷ www.heuni.fi, 1.6.2009.

⁵⁸ <http://www.finlex.fi/fi/laki/kaannokset/1889/en18890039.pdf>, 1.6.2009.



ficking in human beings. As the emphasis in the Finnish migration policy has been on the work-related immigration, demands for the attention on the working conditions of immigrants are greater. When the Revised National Plan of Action against Trafficking in Human Beings was adopted, the Ombudsman for Minorities was appointed the national rapporteur for trafficking in human beings.⁵⁹

The increase in the number of minors seeking asylum has also raised suspicions of organised crime. There have been indications of minors as victims of human trafficking, but the cases have not led to the consideration of charges.⁶⁰

The so-called “beggar phenomenon” has been a subject in the media. During the last few years, after Romania and Bulgaria joined the EU, a completely new immigration related phenomenon has occurred in Finland. The Roma beggars from these two countries have started to be an increasingly common sight on the streets of the biggest cities. Whether this is an organized activity, a form of human trafficking or just a random phenomenon has also been under discussion.

2.3.11. Return Migration

Finland participated in the preparation of the return directive. Implementation of the Return Fund programme also began. The general objective of the European Return Fund is to support the efforts of Member States to improve the management of return in all its dimensions through the use of the concept of integrated management and by promoting joint actions to be implemented by Member States. The Fund also supports national actions that pursue Community objectives under the principle of solidarity.⁶¹ The projects financed from the Return Fund in Finland in 2008 were the project for developing country of origin information system for Afghanistan in order to ensure conditions for safe return and the project of positive special treatment in the return process. The number of voluntary returns remained low.

⁵⁹ “Revised National Plan of Action against Trafficking in Human Beings”; Publications of the Ministry of the Interior; 29/2008. [http://www.intermin.fi/intermin/biblio.nsf/527B78A391D0DEF7C22574DB004CFAAD/\\$file/292008.pdf](http://www.intermin.fi/intermin/biblio.nsf/527B78A391D0DEF7C22574DB004CFAAD/$file/292008.pdf), 3.6.2009.

⁶⁰ The European Institute for Crime Prevention and Control (HEUNI) monitors human trafficking phenomena in Finland. The media review on forced labour drafted by the Institute has exposed defects in the working conditions of foreigners in Finland. HEUNI surveys, which focus entirely on adult foreign workers in Finland, have found no evidence of minors as victims of human trafficking. www.heuni.fi, 1.6.2009.

⁶¹ <http://www.intermin.fi/intermin/home.nsf/pages/080DF0F5330B945BC22573BE00534082?opendocument>, 3.6.2009.



The International Organisation for Migration (IOM) assists return migration in Finland. According to its statistics, in 2008 IOM Helsinki assisted 37 voluntary returns of refugees from Finland, the main countries being Kosovo, Iraq and Iran.

2.3.12. Other policy areas

In March 2008, the Ministry of the Interior appointed a project for investigating the treatment of aliens placed in detention under the Aliens Act (2004/301), the operations of detention units and the requirements and procedures relating to detention. The project will be carried out in two phases. The objective of the first phase is to establish and assess the treatment of aliens placed in detention units founded under the Act on the Treatment of Aliens Placed in Detention and on Detention Units (116/2002). Particular focus will be on the requirements for placement in detention and treatment of vulnerable groups such as minors. The due date for the project report has been extended until spring 2009.

3. Implementation of EU legislation

3.1. Transposition of EU legislation into national law in 2008

The progress made during 2008 in the transposition of EU legislation into Finnish law in the field of migration and asylum includes three legislative actions.

The Council Directive 2005/71/ EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research was implemented into the Aliens Act the 8th of August 2008⁶² in accordance with the Government Proposal (167/2007).

The Government Proposal (86/2008) for implementation of the Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status was given in 2008. The Bill was adopted in March 2009 and the law itself will come into force in 2009.⁶³

⁶² 8.8.2008/156.

⁶³ The current Aliens Act (301/2004) includes provisions on procedures for granting and withdrawing refugee status. The act was being drafted in Finland at the same time as the Council Directive 2005/85/EC was being drafted in the EU. The draft of the proposed directive was to be taken into account in the drafting of the new Aliens Act. The new



In 2008, the Parliament discussed the Bill concerning the implementation of the Qualification Directive (Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted). The Bill was adopted in February 2009. The changes in legislation will come into force June the 1st 2009. In transposing the directive, the scope of the current national legal provision for granting subsidiary protection is narrowed to meet the definition of subsidiary protection contained in the directive. However, in order to retain the level of protection granted in Finland, a new, third protection category (so-called humanitarian protection) is created.

3.2. Experiences in the implementation of EU legislation

Finland follows all the EU migration regulations. The current Aliens Act came into force in 2004 and it was drafted in accordance with the EU legislation enacted so far. After coming into force, the Aliens Act has been amended nine times to meet the requirements of EU member states set in the EU legislation. The Directives transposed into the Aliens Act between 2004 and 2008 are the following:

- Council Directive **2002/90/EC** of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence (OJ L 328 of 5 December 2002, p. 4) and the Council Framework Decisions **2002/629/JHA**, **2002/946/JHA** and **2004/68/JHA** in July the 9th 2004;
- Council Directive **2003/86/EC** of 22 September 2003 on the right to family reunification (OJ L 251 of 3 October 2003, p. 12) in May the 19th 2006 ;
- Council Directive **2004/81/EC** of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities (OJ L 261 of 6 August 2004, p. 19) in July the 21st 2006;
- Council Directive **2003/9/EC** of 27 January 2003 laying down minimum standards for the reception of asylum seekers (OJ L 31 of 6 February 2003, p. 18) in December the 8th 2006;
- Council Directive **2003/110/EC** of 25 November 2003 on assistance in cases of transit for the purposes of removal by Air, (OJ L 321 of 06 of December 2003, p. 26) in March the 16th 2007;

Aliens Act came into force before the directive and, after the coming into force of the directive, it was noticed that the national implementation of the directive required some changes in the current Aliens Act.



- Council Directive **2003/109/EC** of 25 November 2003 concerning the status of third-country nationals who are long term residents (OJ L 16 of 23 of January 2004, p. 44) in March the 23rd 2007;
- Directive **2004/38/EC** of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (Text with EEA relevance) (OJ L 158 of 30 April 2004, p. 77) in March 23rd 2007;
- Council Directive **2004/114/EC** of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service (OJ L 375 of 23 December 2004, p. 12) in April 13th 2007;
- Council Directive **2005/71/EC** of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research (OJ L 289 of 3 November 2005, p. 15) in August the 8th 2008.

In most of these cases the Aliens Act corresponded to a great extent with the implemented directives, so only minor changes were required and the debates on these subjects remained on a minimal scale.

The Government Bill concerning the implementation of the Qualification Directive was given in 2007. In 2008, the Parliament discussed the Bill. The fact that the scope of the current national legal provision for granting subsidiary protection is narrowed to meet the definition of subsidiary protection of the directive caused discussion among the NGO's. The new third protection category, so-called humanitarian protection, created to maintain the high level of protection, which includes the right to work, caused debates and especially the True Finns Party was concerned about the new law and its openness to various interpretations. The discussion continued and the larger debates were to happen in 2009.

The European Court of Justice gave its decision in the Metock case C-127/08. The Court has interpreted the scope of the Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 (on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States) to be wider than what is enacted in the Finnish Aliens Act. This will cause some changes to the Aliens Act in 2009.

The Ministry of the Interior is the authority responsible for managing four EU Funds in Finland. It is responsible for managing

- the European Refugee Fund
- the European Fund for the Integration of Third-country Nationals
- the External Borders Fund



- the European Return Fund.

The Funds under the Framework Programme on Solidarity and Management of Migration Flows are aimed at helping the EU to respond to the challenges relating to external border management and asylum and migration policy. They are also designed to increase solidarity between Member States. At the same time, the Funds help to strengthen freedom, security and justice within the EU. A total of some EUR 4 billion has been reserved for the Framework Programme on Solidarity and Management of Migration Flows for the period 2007-2013.⁶⁴

Annex – Methodology, Terms and Definitions

A1.1 Methodology

This report was written in May 2009 by the Finnish National Contact Point for the EMN in the Finnish Immigration Service.

The study was produced using the previously made reports of the Finnish NCP, such as the “Organisation of Migration and Asylum Policies in Finland” and the “Policies on Reception, Return and Integration Arrangements for, and Numbers of, Unaccompanied Minors - an EU Comparative Study”. All the publications of the Finnish Immigration Service and the Ministry of the Interior related to migration, asylum or inner safety were consulted for those parts that were relevant to this report. The Migration Department of the Ministry of the Interior contributed to the report substantially. Some information was gathered from individual civil servants of the Finnish Immigration Service and the Border Guard. The media survey for 2008 conducted by the Finnish Immigration Service’s publicity unit was also utilised, as well as relevant articles from the main news papers in Finland were used. All the statistics quoted in this report have been gathered from the Finnish Immigration Service.

As for the criteria for the ‘significant development/debate’, the developments and debates considered as significant were e.g. the governmental projects, propositions that led into legislation changes, issues that appeared in the media and those promoted by the politicians, as well as the institutional developments related to the new Migration Department under the Ministry of the Interior.

⁶⁴ <http://www.intermin.fi/intermin/home.nsf/pages/6C5B05F566EB5983C22573BE00524566?opendocument>, 4.6.2009.



Discussion and debates on migration and asylum policy are relatively new to a Finnish society and have only recently gained place in public and political discussion. There is also very little academic research on migration and asylum in Finland. This is why details of the discussion and general discourse concerning migration weren't always easy to find.

Section 3.2 includes only details of the EU legislation transposed into Finnish law. Until the year 2008, there were no significant experiences, or debates, on transposing the EU legislation. This is due to the fact that the Finnish Aliens Act was renewed in 2004, and the changes made after its coming into force to comply with the EU legislation were few.

A1.2 Terms and Definitions

The terms and definitions used in this report follow the ones given in the EMN Glossary. The definitions used in the Finnish legislation translated into English and the definitions used in the EU legislation are for the most part the same.



STATISTICS

Overview of the different grounds for application of residence permits

Certain groups according to the grounds of application	2006	2007	2008
Employed persons	3 895	6 412	6 848
Self-employed persons	104	84	67
Persons of Finnish origin	538	576	486
Students	3 508	4 013	4 832
Other grounds	2 590	3 215	3 247
Family tie, marriage etc.	1 976	1 989	2 223
Family tie, children	2 146	2 635	3 184
Family tie, other relatives	656	960	1 185
Family members to Finnish citizens	700	677	832
Total of applicants	16 116	20 561	22 904

Top 10 Countries of the Applicants of Residence Permit in 2008	
Russia	5 325
China	1 752
India	1 599
Somalia	1 252
Ukraine	929
Turkey	894
USA	690
Nigeria	524
Iraq	523
Thailand	503
Total of applicants	22 904



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