

## UNHCR Observations on the draft Law Proposal for an Act on the Promotion of Immigrant Integration

(Luonnos hallituksen esitykseksi eduskunnalle laiksi kotoutumisen edistämistä; Utkast till regeringens proposition till riksdagen med förslag till lag om främjande av integration)

### I. INTRODUCTION

1. The UNHCR Regional Representation for Northern Europe (RRNE) wishes to express its views on the Law Proposal for an Act on the Promotion of Immigrant Integration<sup>1</sup> (hereafter “the Proposal”)
2. UNHCR has been entrusted by the United Nations General Assembly with the mandate to provide international protection to refugees and, together with governments, seek durable solutions to their problems.<sup>2</sup> UNHCR has a direct interest in law and policy proposals in the field of asylum and integration. According to its Statute, UNHCR fulfils its mandate *inter alia* by “[p]romoting the conclusion and ratification of international conventions for the protection of refugees, supervising their application and proposing amendments thereto[.]”<sup>3</sup> UNHCR’s supervisory responsibility is reiterated in Article 35 of the 1951 Convention<sup>4</sup> and in Article II of the 1967 Protocol relating to the Status of Refugees<sup>5</sup> (hereafter collectively referred to as the “1951 Convention”).<sup>6</sup>
3. UNHCR’s supervisory responsibility is also formally recognized under European Union law, including by way of a general reference to the 1951 Convention in Article 78(1) of the Treaty on the Functioning of the European Union (TFEU)<sup>7</sup>, as well as in Declaration 17 to the Treaty of Amsterdam, which provides that “*consultations shall be established with the United Nations High Commissioner for Refugees ... on matters relating to asylum policy*”. Likewise, secondary EU legislation explicitly refers to UNHCR’s mandated responsibilities. For instance, Article 29 of the recast Asylum Procedures Directive<sup>8</sup> states that Member States shall allow UNHCR “*to present its views, in the exercise of its supervisory responsibilities under Article 35 of the Geneva Convention,*

---

<sup>1</sup> [http://tem.fi/documents/1410877/2132292/HE\\_kotolaki\\_lausunolle\\_08052017.pdf/c8e210dd-6652-404c-be3b-afe6785f8551](http://tem.fi/documents/1410877/2132292/HE_kotolaki_lausunolle_08052017.pdf/c8e210dd-6652-404c-be3b-afe6785f8551).

<sup>2</sup> UN General Assembly, Statute of the Office of the United Nations High Commissioner for Refugees, 14 December 1950, A/RES/428(V), available at: <http://www.refworld.org/docid/3ae6b3628.html> (hereafter “UNHCR Statute”).

<sup>3</sup> Ibid., para. 8(a).

<sup>4</sup> UN General Assembly, *Convention Relating to the Status of Refugees*, 28 July 1951, United Nations, Treaty Series, vol. 189, p. 137, available at: <http://www.refworld.org/docid/3be01b964.html>.

<sup>5</sup> UN General Assembly, *Protocol Relating to the Status of Refugees*, 31 January 1967, United Nations, Treaty Series, vol. 606, p. 267, available at: <http://www.refworld.org/docid/3ae6b3ae4.html>.

<sup>6</sup> According to Article 35 (1) of the 1951 Convention, UNHCR has the “duty of supervising the application of the provisions of the 1951 Convention”.

<sup>7</sup> European Union, *Consolidated version of the Treaty on the Functioning of the European Union*, 26 October 2012, OJ L. 326/47-326/390; 26.10.2012, available at: <http://www.refworld.org/docid/52303e8d4.html>.

<sup>8</sup> European Union: Council of the European Union, *Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast)*, 29 June 2013, OJ L. 180/60 -180/95; 29.6.2013, 2013/32/EU, (hereinafter – “recast Asylum Procedures Directive”), available at: <http://www.refworld.org/docid/51d29b224.html>.

*to any competent authorities regarding individual applications for international protection at any stage of the procedure”.*

4. UNHCR’s supervisory responsibility is exercised in part by the issuance of interpretative guidelines on the meaning of provisions and terms contained in international refugee instruments, in particular the 1951 Convention. Such guidelines are included in the UNHCR Handbook on Procedures and Criteria for Determining Refugee Status and subsequent Guidelines on International Protection.<sup>9</sup> UNHCR also fulfils its supervisory responsibility by providing comments on legislative and policy proposals impacting on the protection and durable solutions of its persons of concern.
5. UNHCR’s interest and engagement in integration stems from its mandate to seek durable solutions and from Article 34 in the 1951 Convention which sets out that States shall, as far as possible, facilitate the integration and naturalization of refugees. Complementing this article are various soft law and policy documents related to integration, such as UNHCR’s Executive Committee (hereafter “ExCom”) Conclusion No. 104 on Local Integration<sup>10</sup> and its 2009 note on strategic approaches for combating discrimination.<sup>11</sup>
6. The logic of the 1951 Convention framework is that, with the passing of time, refugees should be able to enjoy a wider range of rights as their association and ties with the host country grow stronger. In this sense, the 1951 Convention gives refugees a solid basis on which they can progressively regain the social and economic independence needed to get on with their lives. ExCom Conclusion No. 104<sup>12</sup> calls on States to facilitate the integration of refugees and provides guidance on special efforts that may be necessary. Facilitating the integration of refugees in their new home country is a priority area for UNHCR’s advocacy and capacity building activities in the Northern Europe region, including in Finland.

## **II. OBSERVATIONS**

7. UNHCR notes that the reform of the Act on Promotion of Immigrant Integration is based on the current reform of regional administration in Finland. However, even if most changes are pertinent to the administration reform, the current Act is not amended, but the whole Act will be renewed. UNHCR thus wishes to deliver general observations on integration for the consideration of the Ministry of Economic Affairs and Employment.
8. UNHCR welcomes Finland’s overall approach to integration and integration support. We welcome in particular that Finland is using a definition of integration which emphasises a ‘two-way’ process between refugees and their host communities. Integration is a legal, socio-economic process and a social and cultural process of acclimatization by the refugees and accommodation by the local communities. It should enable refugees to live alongside the host population, without discrimination or exploitation and prepare them to contribute actively to the social and economic life of

---

<sup>9</sup> UNHCR, *Handbook and Guidelines on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees*, December 2011, HCR/1P/4/ENG/REV. 3, available at: <http://www.refworld.org/docid/4f33c8d92.html>.

<sup>10</sup> UN High Commissioner for Refugees (UNHCR), *Conclusion on Local Integration No. 104 (LVI) - 2005*, 7 October 2005, No. 104 (LVI) - 2005, available at: <http://www.refworld.org/docid/4357a91b2.html>

<sup>11</sup> UN High Commissioner for Refugees (UNHCR), *Combating Racism, Racial Discrimination, Xenophobia and Related Intolerance through a Strategic Approach*, December 2009, available at: <http://www.refworld.org/docid/4b30931d2.html>

<sup>12</sup> See footnote 10.

their country of asylum.<sup>13</sup> At the same time, refugees need to participate in integration programmes, and comply with the laws of their host State, including respecting core standards of human rights.

9. Integration is a process involving not only protection beneficiaries and nationals of the host State, but all stakeholders in society and different societal institutions. UNHCR's experience in integration of refugees shows that the integration processes require support, not only at the national level, but at the local level as well as for specific individuals. Integration embodies a meeting of cultures, which when well mediated, can be a driver for development and growth.<sup>14</sup>
10. UNHCR appreciates that Finland in the Proposal notes that the integration can be made based on a holistic approach to the whole family's situation in order to achieve better impact. UNHCR has recommended to the European Union that its integration policies shall encompass both refugees and beneficiaries of subsidiary protection as well as their family members.<sup>15</sup>
11. UNHCR further welcomes that strengthening participation is an explicit goal of the legislation and that the Proposal states that the participation of migrants and refugees in the planning, implementation and evaluation of goals and actions concerning integration supports their integration, especially at local level. It is UNHCR's understanding that the principle of participation is fundamental for integration work in Finland. Age, Gender and Diversity (hereafter "AGD") and participatory approaches have been a priority for UNHCR's work in Finland since the dialogue with refugee women in Finland in 2011.<sup>16</sup> The follow-up publication "Speaking for Ourselves", which highlights good practices in Finland concerning refugee participation in the planning, design and implementation of activities that have an impact on their lives, families and communities was published in 2014.<sup>17</sup> Such participation can add significant value particularly when made available to all groups in an AGD sensitive manner. UNHCR recommends a strengthening of the language on participation in the Proposal. The Proposal should use stronger language to mark that participation of the persons concerned is a fundamental principle in the field of integration in Finland. Those affected by integration and those with personal experiences of integration should be given a voice in matters relating to integration. It should also be stressed that participation is done in an AGD sensitive manner, making sure that all, be they women or men, boys or girls, are covered and have an equal opportunity to get their voice heard.

### III. CONCLUDING RECOMMENDATIONS

12. As a conclusion, UNHCR wishes to welcome Finland's approach to integration as a two-way process and Finland's holistic approach to the situation of the whole family.
13. UNHCR recommends that the language in the Proposal on participation is strengthened to confirm that participation is a fundamental principle for integration in Finland and that participation is conducted in an AGD sensitive manner.

---

<sup>13</sup> UNHCR, *Integration of Beneficiaries of International Protection in the European Union - Recommendations to the European Ministerial Conference on Integration, Zaragoza (15 and 16 April 2010)*, April 2010, p. 1 – 2, available at: <http://www.refworld.org/docid/4bc862412.html>

<sup>14</sup> Ibid, p 1 – 2.

<sup>15</sup> Ibid, p 1.

<sup>16</sup> UNHCR, *Protectors, Providers, Survivors: A Dialogue with Refugee Women In Finland*, October 2011, available at: <http://www.refworld.org/docid/4ec4aa3f2.html>

<sup>17</sup> UNHCR, *Speaking for Ourselves: Hearing Refugee Voices, A Journey Towards Empowerment*, May 2014, available at: <http://www.refworld.org/docid/537afd9e4.html>

**UNHCR Regional Representation for Northern Europe**  
Stockholm, 15 June 2017