

Number 493/1999

Act

on the Integration of Immigrants and Reception of Asylum Seekers

In accordance with the decision of Parliament, the following is enacted:

Chapter 1

General provisions

Section 1

Objectives of the Act

The objective of this Act is to promote the integration, equality and freedom of choice of immigrants through measures which help them to acquire the essential knowledge and skills they need to function in society, and to ensure the essential livelihood and welfare of asylum seekers by arranging for their reception.

Section 2

Definitions

For the purposes of this Act, *integration* means:

- 1) the personal development of immigrants, aimed at participation in work life and the functioning of society while preserving their language and culture; and
- 2) the measures taken and resources provided by the authorities to promote such integration.

Section 3

Scope of application

Integration measures are available to persons who have moved to Finland and have a home municipality in Finland as referred to in the Municipality of Residence Act (201/1994).

Reception of asylum seekers covers persons who have applied for asylum in Finland under section 30 of the Aliens' Act (378/1991), until they have been granted a residence permit or a legally valid decision on their deportation has been made and enforced.

What is laid down in this Act concerning refugees, also applies:

- 1) to persons who have been granted a residence permit under section 31 of the Aliens' Act on the basis of need for protection or on strong humanitarian grounds as referred to in section 18, subparagraph 4, of the Aliens' Act; and
- 2) to persons who are family members of a refugee or some other person referred to in subparagraph 1, or are otherwise related to such a person, provided that they have been

members of the family of the refugee or person granted a residence permit before said person entered Finland.

Section 4 Remuneration of expenses

Expenses incurred from activities referred to in this Act are remunerated from State funds according to principles laid down by the Government.

Section 5 Relationship with other legislation

This Act does not prevent access to supportive measures, services or subsistence security provided under other legislation, unless otherwise laid down in chapter 3.

Chapter 2 Implementation

Section 6 Functions of authorities

The competent ministry is responsible for the overall development, planning, steering and follow-up of integration of immigrants and reception of asylum seekers, and for coordination.

It is the function of employment and economic development centres, under the competent ministry, to plan, steer and follow up the integration of immigrants into society and working life and the reception of asylum seekers, and to perform other functions assigned separately.

Local authorities have a general responsibility concerning the integration of immigrants and a responsibility for related coordination measures.

Employment offices, in collaboration with employment and economic development centres, implement labour market policy measures and provide employment services.

Section 7 Integration programme

In collaboration with employment and other authorities and the Social Insurance Institution, local authorities draw up an integration programme. The programme contains a plan for objectives, measures, resources and collaboration in the integration of immigrants.

When programmes are drawn up and implemented, immigrants, NGOs, employee and employer organizations and, when possible, other local parties shall be heard.

Programmes include an agreement concluded between the relevant local authority and employment and economic development centre on the principles under which measures taken to promote integration are comparable to the labour market policy measures referred to in chapter 2 of the Act on Labour Market Support, as laid down in this Act and by decree.

Section 8

Agreement on the remuneration of expenses related to refugees

When a local authority has drawn up, or engages to draw up, a programme for the integration of an immigrant as referred to in section 7, the employment and economic development centre may agree to remunerate expenses related to refugees according to principles laid down by the Government.

Chapter 3

Arranging for measures supporting integration and integration subsidy

Section 9

Designating refugees to a local authority

An employment and economic development centre designates refugees to a local authority that has made the agreement referred to in section 8.

Section 10

Right to an integration plan

Immigrants who register as unemployed jobseekers or apply for social assistance as referred to in the Act on Social assistance (1412/1997) are entitled to an integration plan drawn up in cooperation with the local authority and the employment and economic development centre. The duration and amendment of a plan and extension of a suspended plan are subject to agreement between the local authority, the employment office and the immigrant. The immigrant's integration plan replaces the jobseeking plan referred to in section 10c, paragraph 1, of the Employment Services Act (1005/1993).

An integration plan must be drawn up no later than when the immigrant has been unemployed for five months or received social assistance for the same period. Immigrants are entitled to an integration plan for a maximum period of three years after being first entered in the population data system of their home municipality.

The employment office will decide whether a plan should be considered suspended. A plan may be considered suspended after one month has passed since the immigrant became permanently employed in a full-time job or as an entrepreneur, or since the immigrant began full-time studies leading to a vocational qualification or degree. The employment office must hear the immigrant before it makes the suspension decision.

An agreement on the extension of a suspended plan must be concluded under the preconditions laid down in paragraph 1 no later than one week after the immigrant has registered as an unemployed jobseeker at an employment office.

Section 11 Integration plan

An integration plan is an agreement between a local authority, an employment office and an immigrant on measures to support the immigrant and the immigrant's family in acquiring the essential knowledge and skills needed in society and working life.

The integration plan may be an agreement on providing support for studies in Finnish or Swedish, labour market training, self-motivated education or training, vocational counselling and rehabilitation, practical training, preparatory education and the integration of children and young people, and on taking other measures supporting integration that can be considered reasonable.

The integration plan includes an employment office decision on how each measure taken by the local authority or the immigrant to promote integration as referred to in paragraph 2, and allocated individually to the immigrant, is comparable to the labour policy measures referred to in chapter 2 of the Act on Labour Market Support, as laid down in this Act and by decree.

Section 12 Integration support

Integration support is intended to promote and improve immigrants' ability to find employment or further training and to improve their ability to function in Finnish society by securing their means of support while the integration plan is being implemented.

Integration support comprises the labour market support referred to in the Act on Labour Market Support and the social assistance referred to in the Act on Social Assistance.

Immigrants are not entitled to labour market support during the three-year period referred to in section 10, paragraph 2, except in the form of the integration support referred to in this Act.

Section 13 Preconditions for receiving integration allowance

Immigrants are entitled to integration allowance as referred to in this Act if:

- 1) they are in need of financial support as laid down in the Act on Labour Market Support and the Act on Social Assistance and
- 2) they observe their integration plan, taking the provisions of section 15, paragraphs 2 and 3, into account.

When a measure promoting integration offered individually in an integration plan as referred to in section 11, paragraph 3, is being implemented, need for financial support is

not a precondition; rather, immigrants aged 17 to 64 are entitled to integration allowance as laid down in the Act on Labour Market Support regarding the right to labour market support of persons participating in measures referred to in chapter 2 of said Act.

Section 14

Duration and re-assessment of integration allowance

An immigrant is granted integration allowance when an integration plan is agreed upon.

Integration allowance can be granted for a maximum period of one year at a time. Integration allowance is re-assessed if the circumstances of the person receiving support or of that person's family change or a change occurs in the need for support.

Section 15

Duty to cooperate

+Immigrants entitled to an integration plan are required to participate in the compilation of the plan and in any services and measures agreed upon therein.

If, without justified cause, an immigrant has refused to participate in the compilation of an integration plan or in measures promoting his/her employment agreed upon individually in a plan, or if he/she, through negligence, has made it impossible to draw up an integration plan, the provisions of section 10 of the Act on Social Assistance on lowering the basic amount of social assistance also apply to him/her in these cases when social assistance is granted.

If, without a valid reason, the immigrant has refused to participate in a reasonable measure, agreed upon individually in the integration plan, that promotes his/her employment, the provisions of section 13, paragraph 3, sections 17-19 and section 20, paragraph 2, of the Act on Labour Market Support apply if the immigrant receives labour market support in the form of integration allowance. In so far as they concern seeking training, the provisions of section 15, paragraph 3, of the said Act apply to immigrants only with regard to training mentioned in the integration plan.

Section 16

Immigrant's duty to notify

In order to retain their right to integration allowance immigrants shall report on the progress of their integration plan and report if changes are required or the plan is suspended, as agreed in the plan.

When needed, immigrants shall provide the local authority and the Social Insurance Institution office with information on any income affecting the amount of the allowance, and any other information needed for granting and paying the allowance.

Section 17

Applying the Act on Labour Market Support and the Act on Social Assistance

Unless otherwise provided in this Act, the provisions of the Act on Labour Market Support on labour market support and related matters, and the provisions of the Act on Social Assistance on social assistance and related matters apply to labour market support and social assistance granted as integration allowance, to matters related to the allowance, and to appeal.

The employment office or labour commission shall provide the Social Insurance Institution office with an opinion on whether the preconditions for labour market support paid as integration allowance laid down in section 12, paragraph 3, section 13, paragraph 1, subparagraph 2, and paragraph 2, and in section 15, paragraph 3, are met as provided in section 3, paragraph 3, and section 34, and by decree.

Section 18

Applying reference provisions in other legislation

If reference is made to labour market support based on the Act on Labour Market Support in another law or in provisions issued under it, the reference shall also concern labour market support paid under this Act, unless otherwise provided herein.

If reference is made to social assistance based on the Act on Social Assistance in another law or in provisions issued under it, the reference shall also concern social assistance paid under this Act, unless otherwise provided herein.

Chapter 4

Reception of asylum seekers

Section 19

Content of reception

The reception of asylum seekers shall include temporary accommodation, social assistance, interpretation services, work and training activities, and satisfaction of all other basic needs. Further provisions concerning reception may be issued by decree.

The temporary accommodation of those referred to above in section 3, paragraph 2, is provided at a reception centre.

A group home may be organized at a reception centre to receive an asylum seeker who is a minor and arrives without a guardian. Provisions pertaining to the operations of a group home and the number of personnel will be laid down by decree.

In addition, in the reception of a minor, other services required because of the child's age and developmental level shall be provided.

Section 20

Advisory Board for the Reception of Asylum Seekers and State reception centres

For the purpose of cooperation between administrative sectors responsible for receiving asylum seekers, and for development and planning purposes, the ministry in charge of reception is assisted by the Advisory Board for the Reception of Asylum Seekers. The appointment and functions of the Advisory Board will be laid down in more detail by decree.

The State may operate reception centres in the competent ministry's sphere of administration. The provisions of section 19 apply to the functions of State reception centres.

Section 21

Agreement on activities

Employment and economic development centres and local authorities, joint municipal boards, other public sector bodies or private bodies or associations may agree on arranging reception of asylum seekers and on compensating for any costs incurred therefrom.

Section 22

Social assistance

Persons eligible for reception of asylum seekers may be granted social assistance as referred to in the Act on Social Assistance, unless otherwise laid down in this Act.

More detailed provisions will be laid down by decree concerning the distribution of costs to be covered by the basic amount of social assistance between reception arranged at a reception centre and costs paid by the asylum seekers personally and covered by the basic amount.

Social assistance is granted to an asylum seeker by the reception centre on application.

If, without justified cause, a resident at a reception centre repeatedly or otherwise essentially refuses suitable and separately designated work or training activities which promote employment, such refusal may be deemed to be the refusal referred to in section 10 of the Act on Social Assistance.

Section 23

Recovery of social assistance

The reception centre has the authority assigned to a local authority in the Act on Social Assistance concerning the recovery of social assistance with regard to allowance granted by the centre.

Applications concerning recovery of social assistance are made to the Provincial Administrative Court in the judicial district where the reception centre is located.

Section 24 Appealing social assistance decisions

A person registered as a resident at a reception centre who is not satisfied with a reception centre decision concerning social assistance made under section 22 may appeal the decision in writing to the Provincial Administrative Court. The appeal must be filed within 30 days of being notified of the decision as laid down in the Act on the Application of Administrative Law (586/1996). During said period, the appeal may also be submitted to the director of the reception centre, who will then send it to the Provincial Administrative Court together with an opinion on the issue.

Appeals are filed with the Provincial Administrative Court in the judicial district where the reception centre is located.

Provincial Administrative Court decisions pertaining to the grant of social assistance or to its amount are appealed to the Supreme Administrative Court as laid down in section 49, paragraph 2, of the Social Welfare Act (710/1982).

Section 25 Reception of asylum seekers taken into custody

The taking into custody of an asylum seeker referred to in section 46 of the Aliens' Act may be arranged at a reception centre maintained by the State or a local authority. Moreover, the provisions laid down in sections 45-52 of the Aliens' Act apply to said taking into custody.

Chapter 5 Representation of children arriving without a guardian

Section 26 Representation and exercise of the right to be heard

A representative may be assigned to a refugee child or a child applying for a residence permit or seeking asylum who is in Finland without a guardian or other legal representative.

The representative exercises a guardian's right to be heard in matters pertaining to the child's person and assets, decides on the child's living arrangements and manages his/her assets as laid down in chapter 12, section 1 and 2, of the Code of Judicial Procedure, section 16 of the Administrative Procedures Act (598/1982), section 17 and section 18, paragraph 3, of the Act on the Application of Administrative Law, and the Guardianship Act (34/1898).

The representative shall protect the child's interests, taking his/her ethnic, linguistic, religious and educational background into account.

Before making a decision in a matter pertaining to the child's person or assets, the representative must discuss the matter with the child if this is possible in view of the child's age and developmental level and the nature of the matter. When making decisions, the representative shall take the child's opinions and wishes into consideration.

It is not the representative's function to see to the daily or other care or upbringing of the child.

Section 27 Representative's qualifications

A legally competent, suitable and consenting person who is able to carry out the required functions blamelessly and taking the child's interest into account may be appointed as representative.

Section 28 Appointing a representative

The reception centre at which the minor is registered as a resident or the organ in the minor's municipality of residence referred to in section 6, paragraph 1, of the Social Welfare Act may apply for the appointment of a representative.

Before the appointment of a representative is applied for, the child must be provided with an opportunity to make clear his/her wishes and opinions, in so far as his/her age and development level allow.

Section 29 Discontinuation of representatives' functions and releasing representatives from their functions

The functions of a representative are discontinued when:

- 1) the representee becomes of age;
- 2) the representee moves permanently out of Finland; or
- 3) the representee is assigned a guardian or other legal representative in Finland.

Representatives may be released from their functions when they so request or when, because of an illness or some other cause, they are prevented from carrying them out or are unable to carry them out, or if some other special cause exists. If the child's guardian moves to Finland, the representative must be released from said functions unless such release is not in the child's interests.

The release of a representative may be applied for by the representative, the reception centre where the child is registered as a resident, the organ in the child's municipality of

residence referred to in section 6, paragraph 1, of the Social Welfare Act, the child if he/she is at least 15 years of age, or the child's guardian or other legal representative.

Section 30 Legal venue

An application to assign or release a representative must be made to the district court in the judicial district within which the reception centre where the child has been registered as a resident is located or within which the child resides.

Section 31 Duty to notify

The court shall notify the Directorate of Immigration of decisions made concerning the assignment or release of a representative of a child without a residence permit, and the population data system in the case of a child who has been granted a residence permit.

The representative's functions shall be entered in the letter of guardianship if the child's assets managed by the representative are so considerable that guardianship should be entered in the said letter under section 4 of the declaration containing special regulations pertaining to management of a ward's assets (34/1898).

The representative's functions are entered in the letter of guardianship by the district court that appointed the representative. When the said entry has been made, the provisions of chapter 5 of the Guardianship Act apply to the functions.

Section 32 Report on representatives' functions

The provisions of the Guardianship Act apply to representatives' duty to report at the end of their duties.

Section 33 Observing a decision without legal force

A district court's decision to assign or release a representative shall be observed even if it has not taken on legal force.

Chapter 6 Personal data registers for reception of refugees and asylum seekers

Section 34 Personal data registers

The following personal data registers are intended for the purpose of planning and implementing the reception of refugees and asylum seekers and for the integration of refugees:

- 1) residents' register, including the national subregister and the subregisters of reception centres;
- 2) refugee register; and
- 3) register of designated local authorities.

Section 35 Keepers of registers

The principal keeper of the residents' register is the competent ministry, which is also responsible for maintenance of the national subregister. Each reception centre is responsible for maintaining its own subregister. The competent ministry may delegate maintenance of the residents' register to a local authority, body or foundation.

The refugee register is maintained by the competent ministry.

Registers of designated local authorities are maintained by employment and economic development centres.

Section 36 Responsibility for register data

The keeper of a register is responsible for the correctness of data it enters in the register and for the legality of registration and use of the register in the management of its own functions. Otherwise, what is laid down elsewhere in law on the protection of personal data applies to the responsibility of register keepers.

The principal keeper of the residents' register issues instructions on its use when needed.

Section 37 Residents' register

The residents' register is a computerized personal data register maintained for the purpose of arranging the reception of asylum seekers.

The following data on asylum seekers and their family members may be collected and entered in the residents' register:

- 1) personal identification data, customer number issued by the register keeper and the Directorate of Immigration, place of birth and nationality;
- 2) languages spoken, education, professional and vocational skills and work experience;
- 3) information on the processing of matters pertaining to applications for asylum and to deportations that are necessary for arranging reception; and

- 4) with the registree's consent, information on ethnic origin and religion.

Section 38 Refugee register

The refugee register is maintained partly manually, partly by computer, for the purpose of selecting quota refugees and for allocating refugees to a municipality as referred to in section 9. The following information on refugees accepted by Finland within the limits of the quota and on their family members may be collected and entered in the refugee register:

- 1) personal identification data, customer number issued by the register keeper and the Directorate of Immigration, place of birth and nationality;
- 2) languages spoken, education, professional and occupational skills and work experience;
- 3) health information;
- 4) refugee's ethnic origin and religion; and
- 5) information and reports on the causes and history of becoming a refugee.

Section 39 Register of designated local authorities

The register of designated local authorities is maintained partly manually, partly by computer, for the purpose of allocating a refugee to a municipality as referred to in section 9. The following information on refugees and on their family members may be collected and entered in the register of designated local authorities:

- 1) personal identification data, place of birth and nationality;
- 2) languages spoken, education, professional and vocational skills and work experience;
and
- 3) with the registree's consent, information on ethnic origin and religion.

Section 40 Removing data from the register and permanent storage of data

Data on a registree entered in personal data registers referred to in this chapter are removed five years after the last entry concerning the registree is made.

Decisions to keep personal data registers and the data contained in them permanently are made by the archiving body as laid down in section 8, paragraph 3, of the Archives Act (831/1994). Otherwise, the provisions of section 8, paragraph 2, of said Act on keeping documents apply.

Chapter 7 Miscellaneous provisions

Section 41

Right of access to information

Confidentiality provisions notwithstanding, State and local authorities, the Social Insurance Institution and parties arranging reception of asylum seekers and the representatives referred to in chapter 5 are entitled to receive free of charge information that is necessary for carrying out the functions referred to in this Act from other State and local authorities and other parties arranging reception of asylum seekers.

The information may also be provided using a technical means.

Section 42 Provision of information

Notwithstanding the provisions of section 43, the police, the Frontier Guard and the Directorate of Immigration may be provided free of charge with information from the residents' register needed to perform functions laid down in the Aliens' Act.

The information may also be provided using a technical means.

Section 43 Confidentiality duty

Persons carrying out functions referred to in this Act may not disclose information pertaining to a refugee's or his/her family's private affairs or personal circumstances without the specific consent of the refugee, asylum seeker or other immigrant or their guardian or representative assigned under this Act. In addition, any other information obtained in the course of carrying out functions referred to in this Act may not be disclosed unless it is evident that disclosing said information will not endanger the refugee, asylum seeker or other immigrant or their family and relatives.

The provisions of paragraph 1 do not prevent disclosure of information to those entitled to it under law.

Section 44 Prohibition on appeal

Decisions concerning the arrangement of measures promoting integration and the employment office decision referred to in section 11, paragraph 3, may not be appealed separately.

Section 45 Administrative procedure

When processing administrative matters referred to in this Act, a private organization arranging the reception of refugees and asylum seekers shall observe the Administrative Procedures Act and the Act on Providing Information in Administrative Matters (232/1996).

Section 46
More detailed provisions

When needed, more detailed provisions concerning the implementation of this Act will be issued by decree.

Chapter 8
Implementing provisions

Section 47
Entry into force

This Act comes into force on May 1, 1999.

This Act repeals the Act on Reception Points and Centres for Asylum Seekers issued on December 13, 1991 (1465/1991), including all subsequent amendments.

Section 48
Transitional provision

In the case of immigrants for whom the period referred to in the first sentence of section 10, paragraph 2, has expired before this Act comes into force, an integration plan is drawn up within five months of this Act's entry into force. If, however, before this Act comes into force, two years have passed since the immigrant's first home municipality was entered in the population data system, an integration plan does not have to be drawn up unless the immigrant so demands. The restriction on access to labour market support referred to above in section 12, paragraph 3, does not apply to immigrants with whom no integration plan will be drawn up because of the expiry of the said two-year period or, for a period of five months following this Act's entry into force, to immigrants who entered Finland before this Act comes into force.

The provisions in this Act on refugees apply to those who have been granted a residence permit on the basis of strong humanitarian grounds under section 20, paragraph 1, subparagraph 3, of the Aliens' Act, and to their family members who have been granted a residence permit on account of their family ties.

Helsinki, April 9, 1999

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