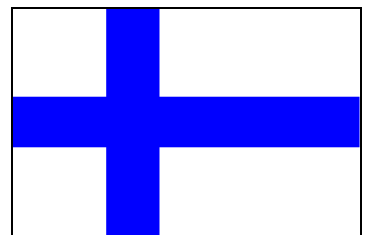


**COUNTRY
CHAPTER**

FIN

FINLAND

BY THE GOVERNMENT OF FINLAND



1. Resettlement Policy

Finland has been receiving refugees on UNHCR's proposal since 1979. In connection with the handling of the State budget Parliament decides annually on the resources for admitting quota refugees to Finland and on the annual number of quota refugees. Since the year 2001, the annual number of quota refugees has been 750. Since then the largest refugee groups admitted to Finland under the refugee quota have been Sudanese, Myanmar, Iranian and Afghan. Building larger communities of a particular nationality on the local level is considered beneficial, which is why Finland still wishes to find continuity in its resettlement activities. The Finnish Aliens Act (in force since 1 May 2004) lays down the definition of 'refugee quota' and the requirements and procedures for admitting aliens to Finland under the refugee quota. The Act on the Integration of Immigrants and Reception of Asylum Seekers entered in 1999 into force. In Finland immigrants are encouraged to integrate in their new home country. This is implemented through individual integration plans and integration programs for resettling municipalities. The newcomers are permitted to an integration plan for the first three years, during which they acquire knowledge and abilities needed in the Finnish society.

2. Criteria for Refugee Status Eligibility and Asylum

An alien who has spontaneously entered Finland and applies for asylum is granted asylum if he or she meets the requirements laid down in section 87 of the Aliens Act. The wording of this section is virtually identical to the definition in the 1951 Convention, omitting the territorial and temporal limitations. An alien residing in Finland will be granted asylum if, owing to well-founded fear of persecution for reasons of ethnic origin, religion, nationality, membership of a particular social group or political opinion, he or she resides outside his or her country of origin or habitual residence and if, owing to such fear, he or she is unwilling to avail him or herself of the protection of the said country.

Under section 106 of the Aliens Act refugee status is also granted to an alien who has been admitted to Finland for resettlement under the refugee quota on the basis of refugee status. Refugees admitted to Finland under the refugee quota on UNHCR proposal are all granted convention status. This is why Finland expects those that are proposed to have a strong need of protection against the country of origin. As regards people other than those whom UNHCR has proposed, it is possible, on the basis of individual consideration, to grant these people a residence permit based on the need for protection, instead of granting them convention/refugee status. Furthermore, under section 106 of the Aliens Act, refugee status will be granted to an alien who has been issued a residence permit on the basis of a family tie if he or she is a family member of an alien who has been granted asylum in Finland or of a refugee admitted to Finland under the refugee quota, and if he or she is to be regarded as a refugee. (See section 10)

3. Criteria for Resettlement

The conditions for admitting of aliens for resettlement under the refugee quota are laid down in section 92 of the Aliens Act.

The first condition is the alien's need for international protection with respect to his or her home country. Account should be taken of the same factors as are taken into consideration when the need for international protection is determined within the asylum procedure.

The second condition is the alien's need for resettlement with respect to the country where he or she is residing. The need for resettlement is apparent if the person is threatened with return to his or her country of origin or with arbitrary arrest or imprisonment in the first country of asylum. Next on the list of people in need of resettlement are survivors of violence and torture and people in need of resettlement for medical reasons. Women, particularly single women and single parents, often find themselves in a more vulnerable position than other alien groups in the country of asylum owing to the lack of social and ethnical pillars. When considering resettlement, attention is paid not only to women but also to the need for reunification of families and to the special needs of children, adolescents and elderly refugees. Resettlement may also be considered for refugees who are not in need of resettlement for reasons of immediate protection but who find it difficult to establish themselves in their country of asylum in a manner appropriate to their cultural, social, religious or educational background. In such cases a further condition for resettlement is, however, that there are places available in the quotas that are not needed for those in need of immediate resettlement.

The third condition is that the conditions for reception and integration in Finland have been assessed.

The fourth condition is that the issue of a residence permit is not prevented by reasons relating to public order and security, public health or Finland's international relations.

4. Resettlement Allocations / Processing Priorities

Under section 91 of the Aliens Act, the Ministry of Labour prepares in cooperation with the Ministry for Foreign Affairs and the Ministry of the Interior a proposal on the territorial allocation of the refugee quota. UNHCR's proposal to Finland and discussion conducted with UNHCR form the basis for the preparations. The entire decision on the territorial allocation of the refugee quota has been made at the ministerial level. According to the Government's revised Migration Policy Programme a ministerial group shall adopt the principles guiding the filling of the quota and government representatives decide country-specific allocation in cooperation with UNHCR. The decision states the areas from where refugees are admitted to Finland and the number of refugees to be admitted from each area.

5. Admissibility for Resettlement

See Section 3 on the criteria for resettlement.

6. Submissions and Processing via Dossier Selection

As an exception to the normal procedure, in emergency and urgent cases aliens are admitted to Finland without a personal interview on the basis of a written document by UNHCR. In recent years, these cases have accounted for 10% of the total annual quota. See section 8 on emergency cases. Dossier selection in other than emergency and urgent cases is possible but has traditionally not been used.

7. Submissions and Processing via In-Country Selection

7.1 Case Documentation

The procedure is started on the basis of documents submitted by UNHCR. Officials of the Ministry of Labour, the Directorate of Immigration and the Security Police make a pre-selection in Finland. Already at this stage comprehensive and reliable information relating to the need for resettlement, data on all family members as well as information on the refugee's integration potential should be available. It is desirable that all UNHCR's submissions should consist of 30 % more people than the coming intake. It is also desirable that all the documents submitted by UNHCR could be sent to Finnish authorities as early as possible before the selection mission, approximately one month earlier.

7.2 Routing of Submissions

UNHCR sends all documentation (RRF's) to the Ministry of Labour, which forwards copies of the documents to the Directorate of Immigration and to the Security Police. Officials of the Ministry of Labour, the Directorate of Immigration and the Security Police review the documentation and jointly select the cases for personal interviews. When necessary, health care services are consulted on medical needs and possibilities of treatment as regards ill and disabled persons.

7.3 Decision-Making Process

During selection missions, applicants are interviewed by officials of the Ministry of Labour or its administrative sector, the Directorate of Immigration and, if necessary, officials of the Security Police. Directly after selection interviews, the members of the selection mission prepare a tentative list of those who will probably be admitted to Finland. At the end of the selection mission, the list is given to the competent field office of UNHCR.

In Finland, the Directorate of Immigration decides on issuing of a residence permit to an alien to be admitted to Finland under the refugee quota, after obtaining a statement from the Security Police.

UNHCR, the Ministry of Labour and the Finnish mission concerned are informed of the decision.

7.4 Recourse Processing

A decision on issuing a residence permit to an alien to be admitted to Finland under the refugee quota may not be appealed. As a rule, a case that has been rejected once will not be re-examined. Re-examination will only be possible if new, significant information on the refugee's background or circumstances can be presented or if considerable deterioration has taken place regarding his or her health.

7.5 Processing Times

The pre-selection of cases to be interviewed is normally done within three weeks of receiving the UNHCR submission documentation. After the selection mission, the Directorate of Immigration normally decides on quota cases within two months of the mission.

8. Emergency Cases

In emergency and urgent cases, aliens are admitted to Finland without a personal interview on the basis of a written document by UNHCR. In recent years, these cases have accounted for 10% of the total annual quota.

The emergency resettlement submission is sent by UNHCR to the Ministry of Labour, which forwards it to the Directorate of Immigration with its statement, which focuses on the integration potential of the refugee. As regards cases presented as medical emergencies, the Ministry of Labour consults with a physician to establish the treatment possibilities in Finland, and assigns the refugee to a municipality that can offer the necessary treatment.

The Directorate of Immigration decides on issuing a residence permit to an alien to be admitted to Finland under the refugee quota. It may request a statement from the Security Police. A copy of the decision is sent to UNHCR, to the Finnish mission concerned and to the Ministry of Labour. Travelling arrangements are made in co-operation with IOM.

Emergency cases are normally decided within 5 workdays and urgent cases as quickly as possible.

9. Special Categories

Finland has no separate quotas for special categories but they are included in the normal quotas. According to the revised Migration Policy Programme the criteria to fill the quota shall be clarified so that Finland can also admit unaccompanied minors and women in need of special protection. Quota refugees that can be defined as representatives of special categories are given appropriate support during integration.

When the refugees already residing in Finland appeal on behalf of their relatives' acceptance on some special grounds, the relatives are always advised to contact the respective UNHCR office in the country of their residence and ask if their case could be submitted to Finland by UNHCR. Finland does not ask for these cases but the submission should always come from the UNHCR.

9.1 Refugees with Medical Needs

It would be desirable to obtain as accurate and up-to-date medical statements as possible in order to be able to estimate whether these cases can be treated in Finland within humanitarian time-limits taking into account the best interest of the refugee.

9.2 Survivors of Violence and Torture

The UNHCR Resettlement Registration Forms (RRF) should be as explicit as possible in respect of the refugee's eventual mental disturbances as a result of violence or torture, so that the preparations for his/her referral to correct treatment could be made as early as possible.

The normal municipal mental health care services are at the disposal of the refugees, and the Alien Crisis Centre and the Rehabilitation Centre for Torture Victims along with the regional and local mental health care provide special services for them. The normal health care system provides the medical treatment and rehabilitation needed in case of physical traumas caused by violence and torture.

9.3 Women at Risk

Single women and single mothers are received in localities where they already have possible connections, or they are placed in other communities where they can get support from other women but not become objects of special attention. Women's possibilities to participate in integration training and to acquire language skills are being supported by organising suitable day care for the children.

9.4 Children

As a rule, the children resettled in Finland have entered the country either with their parents or with other relative families. Among the quota refugees, Finland has received only a few minors without accompanying parents. At the initial stage of their resettlement, unaccompanied minors have been placed in family community homes.

9.5 Elderly

Most of the elderly arriving in Finland among the quota refugees have come among larger family entities, a fact that makes it easier for them to adapt to the new environment. However, their language skills often remain insufficient for active contacts with society outside the family. The elderly refugees are not entitled to receive the pension immediately after their arrival, since the pension is dependent on the period of stay in the country. However, they can receive integration allowance or the corresponding living allowance from their municipality of residence. Integrative measures adapted to the needs of elderly persons are organised by municipalities and NGOs.

10. Family Reunification of Refugees

10.1 Policy concerning Family Reunification of Refugees

Under section 114 of the Aliens Act, a residence permit is issued on the basis of a family tie to a family member of a refugee who is residing in Finland or who has been issued a residence permit to move to Finland, unless there are reasons relating to public order, security or public health.

In cases where issues relating to public order, security or public health come up, a decision on a residence permit is made taking into account all the relevant circumstances relating to the matter.

As a family member (section 37 of the Aliens Act) of a person residing in Finland are regarded his or her spouse, as well as an unmarried child under 18 years of age whose guardian the person residing in Finland or his or her spouse is. If the person residing in Finland is a minor child, his or her guardian is regarded as a family member. A same sex spouse is regarded as a family member if the relationship has been registered. Also, people who continuously share a household and cohabit in a relationship resembling marriage are regarded as spouses.

A requirement for this is that they have cohabited for a minimum of two years, except if they have a common child.

Under section 115 of the Aliens Act, a residence permit is issued to a relative of a refugee other than a family member if refusing a residence permit would be unreasonable because of the intention of the persons concerned to continue previously established family-life, or if the relative concerned is totally dependent on the refugee residing in Finland. In cases where issues relating to public order, security, public health or Finland's international relations come up, the decision on a residence permit is made taking into account all the relevant circumstances relating to the matter.

10.2 Criteria for Family Reunification

See Section 10.1

10.3 Allocations for Family Reunification

Family reunification cases as described in section 10.1. are not included in resettlement allocations.

10.4 Routing of Applications

See Section 10.6.

10.5 Verification of Relationships

The applicant must present adequate evidence of his or her identity and family connection. The Directorate of Immigration decides what kind of evidence may be regarded as adequate. Parties may be orally heard and statements of social and health care officials may be requested. Parties may be given an opportunity to verify the family tie through a DNA-test sponsored by the Finnish State.

10.6 Processing and Decision-Making

The procedure for applying for a residence permit on the basis of a family tie is laid down in sections 62-65 of the Aliens Act. A family member residing abroad may lodge an application for a residence permit on the basis of a family tie at a Finnish mission.

A family member already residing in Finland may lodge an application on behalf of the alien abroad at a local police station in Finland. The Directorate of Immigration decides on issuing of a residence permit on the basis of a family tie to a family member of a refugee. Parties are given an opportunity to be heard before the decision is made.

Parties may be orally heard by the police, the Finnish mission or the Directorate of Immigration. Statements of social or health care officials may be requested before the decision is made. Once the Directorate of Immigration has issued a residence permit on the basis of a family tie, the Finnish

Red Cross will contact IOM for travel arrangements and organize the reception of arriving family members in collaboration with the receiving municipality.

11. Medical Requirements

The processing of the cases and the preparation of the reception at municipality level is facilitated if the information about the health status and specific health care needed by the refugees is as up-dated as possible. No general medical control is necessary prior to the admittance.

12. Travel

Once the Directorate of Immigration has decided on the residence permits, the Ministry of Labour will inform UNHCR and the respective Finnish diplomatic mission about the municipalities in which the refugees are resettled and the timetable in which the municipalities are prepared to receive them. The IOM will make the practical travel arrangements and invoice later for the flights. IOM Helsinki is asked to book the flights to the final destination of the refugees. The Finnish Red Cross will receive the refugees at the airport and will be informed about the timetables by IOM. When necessary, the respective Finnish diplomatic missions will issue the temporary (group) travel documents and stamp the residence permit.

13. Status on Arrival

Refugees as defined by UNHCR who are admitted to Finland under the refugee quota are granted refugee status. As regards people admitted to Finland under the refugee quota other than those whom UNHCR considers refugees, it is possible, on the basis of individual consideration, to grant these people a residence permit based on the need for protection, instead of granting them refugee status.

A family member of a refugee is normally issued the same status. If the situation of a family member, however, is not comparable to the situation of the refugee (he or she may, for example, be of another nationality), refugee status may not be granted. An alien admitted to Finland under the refugee quota may be issued a permanent residence permit after 4 years after the arrival in Finland.

Changes in residence permits will be possible in situations provided by the Aliens Act, if the ground for residence changes. Citizenship may be granted on application after four years' residence in the country.

The provisions on the application of the cessation clause are laid down in section 107 of the Aliens Act. Refugee status will be withdrawn, if the person:

1. voluntarily re-avails him or herself of the protection of the country of his or her nationality;
2. having lost his or her nationality, voluntarily re-acquires it;
3. acquires a new nationality and is able to enjoy the protection of the country of his or her new nationality;
4. voluntarily re-establishes him or herself in the country which he or she left or outside which he or she remained owing to fear of persecution; or evidently no longer stands in need of protection as the circumstances which caused him or her to be a refugee no longer exist.

The Directorate of Immigration makes decisions on the cessation of refugee status. In very few cases where it has been stated that the refugee status has ceased, the person concerned has been allowed to stay in Finland with a different residence permit, because of the existing ties to Finland. Under the Act, it is possible to deport, for example, an alien who is found to be guilty of a serious crime and whose refugee status has ceased. Cases like this are rare. All cases are decided individually, and all the details that have appeared in a case are weighed in their entirety.

14. Domestic Settlement and Community Services

14.1 Actors

In collaboration with the regional administration, the Ministry of Labour will settle the selected refugees to the municipalities that have made a reception decision. At the municipality level, various administrative sectors collaborate to organise the practical reception, and various voluntary organisations serving both nationals and immigrants take part in the initial reception in the municipalities.

14.2 Orientation

Since 2001 Finland has been arranging 3-day cultural orientation courses for Finland bound refugees before their departure to Finland. These courses have been bought from IOM. All the accepted refugees above 15 years of age attend the courses which include e.g. basic information about Finland, reception procedures in municipalities, rights and duties of refugees and also practical exercises on using the public services, shopping etc. Also some basic phrases in Finnish are taught.

14.3 Housing

In the municipalities, the refugees will settle directly in the dwellings assigned them, normally rented apartments in apartment buildings. Large family entities are housed in various apartments in one building or in individual houses.

14.4 Health

Refugees will use the normal health care services. The normal municipal health and mental health care services are at the disposal of the refugees, and the Alien Crisis Centre and the Rehabilitation Centre for Torture Victims along with the regional and local mental health care provide special services for them.

14.5 Reception

On his/her arrival in Finland, the refugee will be directly settled in the municipality. The refugee will undergo an entrance interview whereby his/her integration potential and his/her individual needs will also be discussed. Together with the authorities, the refugee will elaborate on his/her personal integration plans.

These plans take into account the situation of the refugee concerned and his / her individual and family needs. This is especially important for refugees representing special categories, like Women at Risk or Elderly.

The refugee's social and health situation as well as the respective reception requirements will be reviewed on that occasion too.

14.6 Integration Plan

The Act on the Integration of Immigrants was drawn to promote equal opportunities of immigrants. Each immigrant draws up an individual integration plan in collaboration with the authorities of the resettling municipality. Immigrants are encouraged and supported by various measures to integrate into the new home country. They have during the first three years possibility to language studies, to complementing their professional skills and to acquiring the forms of knowledge and abilities needed in Finland. While the immigrant carries out the integration plan and does not obtain a salary the subsistence is guaranteed by means of an integration allowance.

14.6.1 Language Training

For adults, immigrant training includes Finnish language studies. There are special literate courses for persons in need of literacy education. Children of school age, i.e. 7-16 –year-olds, are provided with preparatory instruction in a group of their own. The aim is for children to first learn the language and school attendance according to the Finnish system, after which they can switch to Finnish classes, which correspond to their level. The language training of the first year gives the refugees the language skills needed in every day life. It is, however, essential that they continue their language studies on their own initiative in courses organised by the municipalities.

14.6.2 Education and vocational training

The refugees are entitled to an immigrant training which includes language and civic skill studies, as well as vocational guidance and employment training. The individual integration plan takes especially into account the education and vocational training that the refugee has acquired in his/her homeland and also the need of supplementary training in order to find work in Finland. Often refugees have to study for to acquire a new profession. The studying possibilities in Finland are very good, but studying requires good language skills and that is why the language studies of the initial stage are of great importance.

After the immigration training, the refugees have the opportunity to receive vocational training compatible to their personal abilities. There is a clear need for long-term vocational training organised especially for the immigrants.

14.6.3 Employment

In Finland, the general employment situation has improved significantly during the last couple of years, which has effected also the employment situation of immigrants. Even so, the unemployment rate of certain immigrant groups is as high as 50 to 70 percent. However, many innovative projects e.g. through the European Refugee Fund and ESF have been initiated to promote employment.