

FINLAND

1 Arrivals

1 Total number of applications for asylum lodged, with monthly breakdown and percentage variation between years

Table 1:

Month	2003	2004	Variation +/- (%)
January	282	181	-36
February	341	314	-8
March	194	602	+210
April	171	200	+17
May	171	231	+35
June	269	266	-1
July	192	281	+46
August	262	373	+42
Sept.	260	296	+14
October	350	265	-24
November	358	391	+9
December	371	461	+24
Total	3,221	3,861	+20

Source: Directorate of Immigration

Comments

There was a sharp rise in the number of applications lodged immediately prior to the new Member States joining the EU on 1st May 2004, the number of asylum seekers from the Slovak Republic increased sharply (see figures for March).

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

Table 2:

Country	2003	2004	Variation +/- (%)
Serbia and Montenegro	645	837	+30
Slovakia	85	341	+301
Macedonia	83	279	+236
Somalia	91	253	+178
Bulgaria	287	238	-13
Russia	288	215	-25
Afghanistan	51	166	+225
Turkey	185	140	-24
<i>Others</i>	<i>1292</i>	<i>1392</i>	<i>+20</i>

Source: Directorate of Immigration

Comments

The increase in the number of applicants from Somalia and Afghanistan is partly due to stricter policies in the neighbouring countries of Sweden and Norway. Once asylum has been refused, they attempt to seek protection in Finland.

3 Persons arriving under family reunification procedure

A total of 147 in 2004, mainly from Somalia. Those from Afghanistan and Sudan made up the other largest groups. In 2003, the figure was 293 (breakdown per country is not available).

Source: The Finnish Red Cross

4 Refugees arriving as part of a resettlement programme

Table 3:

Nationality	Number
Afghanistan	168
Iran	115
Iraq	10
Sudan	235
Somalia	11
Russia	6
Kenya	3
Eritrea	2
Ethiopia	11
Liberia	8
Rwanda	2
Cambodia	27
Stateless	4
Sri Lanka	3
Philippines	1
Guinea	1
Congo	2
Vietnam	75
Total	679

Source: The Ministry of Labour

5 Unaccompanied minors

A total of 139 in 2004 108 in 2003 - mostly from Somalia, Sierra Leone and Angola).

Table 4:

Nationality	Number
Afghanistan	25
Albania	1
Algeria	2
Angola	13
Bangladesh	1
Bosnia/	1
Herzegovina	
Bulgaria	8
Ethiopia	5
Georgia	2
Guinea Bissau	1
Iraq	6
Israel	1
Cameroon	1
Sri Lanka	3
Kazakhstan	1
DRC	11

Liberia	1
Macedonia	2
Ivory Coast	1
Serbia/	1
Montenegro	
Somalia	47
Turkey	1
Russia	2
Estonia	1
Stateless	1
Total	139

2 Recognition Rates

6 The statuses accorded at first instance and appeal stages as an absolute number and percentage of overall decisions

Table 5:

Statuses	2003		Appeal		2004		Appeal	
	Number	%	Number	%	Number	%	Number	%
No status awarded	2442	73.6	-		3422	71.9	-	
Convention status	7	0.2	-		29	0.6	-	
Subsidiary status	142	4.3	-		206	4.3		
Residence permit A4, other grounds	249	7.5			460	9.7		
Residence permit A5, family member	88	2.7			74	1.6		
Residence permit D1, temporarily unable to return	8	0.2			27	0.6		
Annulment	383	11.5			546	11.5		
Total	3,320	100			4,758	100		

Source: Directorate of Immigration

Comments

First instance decisions include decisions returned by the Appeal Courts. In 2004, under the normal procedure, the Helsinki Administrative Court overruled the Directorate's decision in 13.3 % of cases and sent back 28.1% of cases to the Directorate of Immigration. Under accelerated procedures, the Administrative Court overruled 13.2% of cases and returned 5.2% of cases to the Directorate of Immigration. The Supreme Administrative Court overruled 2% of cases (which were granted leave to appeal) and returned 9%.

7 Refugee recognition rates (1951 Convention: as an absolute number and as a percentage of total decisions) according to country of origin, at first instance and appeal stages

Table 6:

Country of origin	2003		2004				
	First instance Number	%	Appeal Number	%	First instance Number	Appeal Number	%
Russia	-	-			10		4.0
Azerbaijan	-	-			6		14.0
Tadzhikistan	-	-			4		100.0
Afghanistan	-	-			2		1.6
Ethiopia	-	-			1		6.3
China	-	-			2		1.6
Sri Lanka	-	-			1		1.6
Syria	-	-			1		3.3
Turkey	1	0.4			1		0.4
Stateless	-	-			1		2.8
Not mentioned	-	-			1		3.2
Total	7	0.4			29		0.6

Source: Directorate of Immigration

8 Subsidiary and other status granted (as an absolute number and as a percentage of total decisions) according to country of origin, at first instance and appeal stages

Table 7:

Country of origin	2003		2004				
	First instance Number	%	Appeal Number	%	First instance Number	Appeal Number	%
Somalia	61	65.6			77		45.8
Angola	7	15.2			25		37.3
Afghanistan	5	13.2			18		7.8
Iran	6	7.6			14		11.6
Serbia	0	-			11		1.4
Montenegro							
China	0	-			8		12.7
Iraq	9	13.2			7		2.5
Azerbaijan	4	9.5			4		9.3
Bosnia-					4		2.7
Herzegovina	0	-					
Congo Dem.Rep	3	5.8			4		4.8
Moldova							
Turkey	0	-			3		5.1
Russia	4	1.5			3		1.1
Armenia	1	0.4			3		1.2
Ethiopia	0	2			3		5.8
Yugoslavia	1	25.0			2		12.5
Kyrgyzstan	0	0.6			2		0.6
Libya	2	-			2		18.2
Sri Lanka	2	22.2			2		15.4
Eritrea	0	13.3			2		12.5
Cambodia	0	-			1		25.0
Cameroon	1	-			1		50.0
Cuba	0	9.1			1		12.7
Myanmar	0	-			1		10.0

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Nepal	1	0	-	1	100
Ivory Coast	0		20.0	1	33.3
Uganda	0		-	1	25.5
Ukraine	0		-	1	33.3
Zimbabwe	0		-	1	1.8
Unknown			-	1	33.3
				1	2.5
Total	142	4.3		206	4.3

Source: Directorate of Immigration

3 Returns, Removals, Detention and Dismissed Claims

9 Persons returned on safe third country grounds

None (2003: 12).

10 Persons returned on safe country of origin grounds

322 in 2004 (2003: 114).

Slovakia: 294, Lithuania: 10, Czech republic: 6, Moldova: 5, China: 4, Latvia: 3.

11 Number of applications determined inadmissible

There is no inadmissibility procedure in Finland.

12 Number of asylum seekers denied entry to the territory

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

13 Number of asylum seekers detained, the maximum length of and grounds for detention

There are no reliable statistics available on detention. There is no maximum length of detention. The first instance court processes the detention case within four days and then considers the legality of the detention every two weeks. Asylum seekers whose identity and travel route cannot be verified are often detained upon arrival in Finland. In theory, an asylum seeker can be detained indefinitely, until she/he is deported from Finland. Detention is also used for pre-removal purposes.

14 Deportations of rejected asylum seekers

Total: 1473 in 2004.

1. Slovak Republic	271
2. Serbia and Montenegro	182
3. Croatia	118
4. Russia	100
5. Macedonia	80

Source: Directorate of Immigration

No figures available for 2003.

15 Details of assisted return programmes, and numbers of those returned

According to the Ministry of Labour, a total of nine refugees were returned and received a return allowance. One returned to Bosnia-Herzegovina, but the other eight countries were not specified. (2003:19).

16 Number of asylum seekers sent back to the Member State responsible for examining the asylum application under the Dublin II Regulation

In 2004, 1611 applicants were given a negative decision on Dublin II Regulation grounds (2003: 479).

4 Specific Refugee Groups

17 Developments regarding refugee groups of particular concern

Iraq and Afghanistan

The Directorate of Immigration updated its policy papers on Afghanistan and Iraq, which looked at the practices of other authorities and countries regarding these specific refugee groups and also considered the situation in their home countries and applicants' need for international protection.

The Directorate concluded that the situation in Iraq cannot be considered so serious such that it would present grounds for international protection without further concerns.

The Directorate's paper on Afghanistan notes that the situation in the country has improved lately. They report that the situation in Afghanistan alone does not necessitate the granting of international protection. However, the paper lists a number of groups, which can be granted international protection (single women, Christians, ex-PDPA and ex-Khad members).

As a result of these policy changes, many Afghans and Iraqis were granted temporary residence permits for one year in accordance with the Aliens Act 51§, which states: "Aliens residing in Finland are issued with a temporary residence permit if they cannot be returned to their home country or country of permanent residence for temporary reasons of health or if they cannot actually be removed from the country". A temporary residence permit can be awarded for a maximum of 2 years but does not allow individuals the right to work (during the first year) or habitation in any municipality, meaning that they cannot move to an apartment in any municipality. In practice, those issued with temporary residence permits stay at reception centres although they are no longer considered to be asylum seekers. Asylum seekers can work after 3 months.

5 Legal and Procedural Developments

18 New legislation passed

The new Aliens Act came into force on 1st May 2004 although it made no significant changes to the asylum procedures. Asylum interviews were transferred from the police to the Directorate of Immigration. Women who have been persecuted because of their sex can be considered to be members of a particular social group according to the Refugee Convention. Regulations concerning quota refugees were also added to the Act.

Permanent residence permits can be obtained after four years (previously it was two years). A new category of residence permit was introduced which permits stay for personal humanitarian reasons. The permit can be granted in cases where refusing a residence permit would be manifestly unreasonable with regard to the health, ties to Finland or other personal reasons of the person concerned or in the best interests of a child.

19 Changes in refugee determination procedure, appeal or deportation procedures

According to the new Aliens Act, women who have been persecuted because of their sex can also be considered as members of a particular social group according to the Refugee Convention.

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

Helsinki Administrative Court 5.2.2005/04/0176/7

The appellants originate from Grozny. X [the father of the family] worked as a guard in the National Forces of Chechnya in Grozny between 1996-1998. He participated in the first Chechnyan war with the Chechnyan forces between 1994 and 1996. After the war he participated in the electoral campaign of Mr. Mashadov. In the autumn of 2001, the appellants returned to Grozny and X found out that Russian soldiers had been looking for him.

The decision of the Helsinki Administrative Court: The appellants must be recognised as refugees pursuant to Article 1 A (2) of the 1951 Geneva Convention. The Administrative Court revoked the decision of the Directorate of Immigration and returned the case to the Directorate for a new procedure.

Statement of the reasons: The appellants have a well-founded fear of persecution because they belong to an ethnic group, and X possibly also for the activities mentioned above. They cannot be required to return to Chechnya under the present Chechnyan circumstances. Taking into consideration the position of Chechnyans in the Russian Federation, the Administrative Court holds that the appellants cannot reasonably be assumed to settle in other parts of Russia.

The Directorate of Immigration 14.1.2005/646/0611/2001

The applicant's (from Iran) parents divorced when she was 15 and the court gave custody to her father. Her father is a drug addict who makes his living by selling drugs and letting drug addicts stay at his place. Her father used to hit her, lock her in a closet and sometimes strangle her with a scarf. Her father did not allow her to go to school. She has once attempted suicide. Her father tried to marry her off to a 40-year old, wealthy drug smuggler. She did not agree to the marriage which caused her father to beat her. . She says that eventually she had to give her consent but managed to leave the country with the assistance of her mother before the marriage took place.

The decision of the Directorate of Immigration: The Directorate of Immigration does not grant asylum to the applicant but issues her a residence permit on grounds of need of protection.

Statement of the reasons: The information available to the Directorate of Immigration on the handling of domestic and sexual violence cases in the Iranian judicial authorities supports the applicant's view that she has no factual possibility to receive protection from the authorities of her country. According to the medical certificates, the applicant is severely traumatised by her experiences in her country of origin.

Supreme Administrative Court 21.4.2004/856/KHO 707/3/03

X has applied for a leave to appeal on the decision of the Administrative Court because it is important to have the case examined by the Supreme Administrative Court for the application of law in similar cases. The appeal is to overrule the decision of the Administrative Court and to grant a residence permit on grounds of a need of protection or fairness. X is Ashkali and in need of protection because of his ethnic background.

Decision of the Supreme Administrative Court: Leave to appeal is granted. The decisions of the Administrative Court and the Directorate of Immigration are overruled and the case is returned to the Directorate of Immigration for a new procedure.

Statement of the reasons: X has resided, after having escaped the war in Kosovo, firstly in a refugee camp in Macedonia and, since 1999, in Finland as a resettled refugee. Even if the facts affecting his

need for international protection are in many ways unclear, there is reasonable evidence in his case that he belongs to a minority group in Kosovo which UNHCR considers to be in continuing need of international protection (UNHCR's position renewed in January 2003), and whose return to Kosovo can take place in security and dignity only on a voluntary basis. As X is, in the prevailing circumstances, in real danger of being subjected to inhuman or degrading treatment upon return to Kosovo, the Supreme Administrative Court holds that he is in need of protection pursuant to Section 31 of the Aliens Act.

Helsinki Administrative Court 15.9.2004/04/1240/7

The appellant is a stateless Palestinian registered by UNWRA who has left UNWRA's area of operations and Gaza and cannot return there for serious security related reasons, i.e. because he cannot receive protection in Gaza.

Decision of Helsinki Administrative Court: The Court holds that the appellant must be granted asylum and revised the decision of the Directorate of Immigration and returned the case to the Directorate for a new procedure.

Statement of reasons: The appellant has not been able to prove that he has left Gaza for compelling protection related reasons. Nor is there a reason to believe that he would have, on return to Gaza, a well-founded reason to fear persecution for personal reasons. However, considering the recent information on the security and human rights situation in Gaza, the Administrative Court holds that it has not been proven that the appellant could return to Gaza without a serious danger to his physical security. The appellant is, therefore, entitled to the benefits of the 1951 Geneva Convention. He shall be granted asylum.

21 Development s in the use of the exclusion clauses of the Refugee Convention in the context of the national security debate

No developments.

22 Developments regarding readmission and cooperation agreements

No developments.

6 The Social Dimension

23 Changes in the reception system

The EU Reception Directive was transposed into Finnish law but required very few changes to national legislation and practice. The reporter of the Ministry of Interior made strong recommendations that the administration of the reception of asylum seekers should be transferred from the Ministry of Labour to the Ministry of Interior. The Ministry of Labour and other critics of the proposal did not view it as a good idea because the police and decision-making bodies also come under the Ministry of Interior. However, no official proposal was made.

24 Changes in the social welfare policy relevant to refugees

No developments.

25 Changes in policy relating to refugee integration

No developments.

26 Changes in family reunion policy

No significant changes.

7 Other Policy Developments

27 Developments in resettlement policy

Project on resettlement: The MORE project was a EU-funded project, which developed comprehensive models for the resettlement process, which can be utilised by European Member States and other countries. The Project Partners were the Ministry of Labour, Finland and the Reception and Integration Agency, Ireland. Website: <http://www.more.fi>.

28 Developments in return policy

For the first time a Somali was deported to Somalia (northern city of Hargeisa) in March. The deported man was originally from Mogadishu. He had a residence permit in Finland but, after committing several crimes, the Directorate of Immigration issued a deportation order.

Finland used charter flights in order to deport rejected asylum seekers to Slovakia. Hundreds of Slovaks of Roma origin were deported.

The police department of the Ministry of Interior reported that 16 rejected asylum seekers were given sedative drugs before deportation during 2000-2003. In 3 cases the medication was given expressly in order to carry out the deportation and without the consent of the deportees. In other cases, the reason for giving drugs was medical treatment. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) discovered during their visit to Finland in 2003 that, the previous summer a Ukrainian mother and her two children were forcefully injected with sedatives and neuroleptic medication.

29 Developments in border control measures

No developments.

30 Other developments in refugee policy

The Ombudsman for Minorities published his report on the detention measures of police in the city of Tampere. In the report the Ombudsman criticized certain practices of the Tampere police and demanded more transparency in asylum procedures in general. More asylum seekers are taken into detention in Tampere than in other parts of Finland and they remain in detention for a considerable length of time, usually about 10 days. In addition, many asylum applications were withdrawn during the period of detention in the Tampere police station. Asylum seekers subsequently reported that they were pressurised into withdrawing their applications.

8 Political Context

31 Government in power during 2004

Prime Minister: Mr Matti Vanhanen (the Centre Party).

The Centre Party and the Social Democratic party had eight ministerial posts each and the Swedish People's Party had two posts.

32 Governmental policy vis-à-vis EU developments

The governmental EU group continued regular meetings with NGOs (including the Refugee Advice Centre) during which NGOs were able to discuss EU issues on asylum and immigration with government officials.

33 Asylum in the national political agenda

At the beginning of the year, the Parliament discussed the new Aliens Act before it entered into force on 1st May 2004. The Conservatives proposed more accelerated asylum procedures where asylum seekers from safe countries of origin or so called Dublin cases could be refused entry to Finland and returned immediately at the border. The proposal, however, failed. Increases in the number of asylum seekers from Slovakia (Roma people) also prompted discussions in the Parliament in the spring of that year. The tone of the discussion was rather negative.

A working group of civil servants appointed by the Ministry of Labour began preparation work on the government's immigration policy programme in January.

Biography

Reetta Helander

FINNISH REFUGEE ADVICE CENTRE

The Finnish Refugee Advice Centre is a non-governmental organisation, which provides legal aid and advice to asylum seekers, refugees and other immigrants in Finland. The Refugee Advice Centre also works in promoting the rights of asylum seekers, refugees and immigrants.

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