

**Submission by the United Nations High Commissioner for Refugees**  
**For the Office of the High Commissioner for Human Rights' Compilation Report**  
**Universal Periodic Review: 4<sup>th</sup> Cycle, 41<sup>st</sup> Session**

**FINLAND**

**I. BACKGROUND INFORMATION**

Finland acceded to the *1951 Convention relating to the Status of Refugees* and to the *1967 Protocol* on 10 October 1968 (hereinafter collectively referred to as the “1951 Convention”). Finland has also acceded to the *1954 Convention Relating to the Status of Stateless Persons* (the 1954 Convention) on 10 October 1968, the *1961 Convention on the Reduction of Statelessness* (the 1961 Convention) on 7 August 2008 and the *1997 European Convention on Nationality* on 6 August 2008.

Finland has a well-established asylum system in place, and the *Finnish Aliens Act*<sup>1</sup> contains most of the domestic legal provisions relating to asylum. The Ministry of the Interior has the overall responsibility for the issues covered by the Act. The Finnish Immigration Service (“Migri”) is responsible for handling all asylum applications, including examining applications for asylum and taking decisions at first instance. Administrative Courts examine asylum cases in the second instance and the Supreme Administrative Court in the third and final instance.

During 2021, 1,188 new asylum applications were registered in Finland, of which 124 were made by unaccompanied children (UAC). This is the lowest number in more than a decade and can to a large extent be attributed to the COVID-19 pandemic. The main 3 countries of origin in 2021 are Iraq, Afghanistan and Somalia. Furthermore, 1,109 repeat applications were lodged in 2021 compared to 1,932 in 2020 and 2,018 in 2019.<sup>2</sup> A legislative change was introduced in 2019 further to which a repeat application can now only be lodged if the applicant is able to present well-founded grounds for not previously presenting the arguments.<sup>3</sup>

The refugee recognition rate in Finland has increased in the past years. In 2021, 52 per cent of the applicants were granted international protection or a residence permit on compassionate grounds. In comparison, the recognition rate in 2020 was 44 per cent and 40 per cent in 2019. The increase in the number of arrivals in 2015, when Finland received more than 32,000 asylum-seekers, led to a series of restrictive measures taken by the Finnish Government since 2016, notably on family reunification, access to legal aid, use of detention, and the discontinuation of humanitarian protection. Some of these restrictions have been recently lifted, while others remain in place, as elaborated below.

Finland has increased its annual resettlement quota in 2022 to 1,500 places, making it the highest quota since the start of the Finnish resettlement program (up from 1,050 in 2021 and 850 in 2020). The 2022 increase is primarily due to the humanitarian crisis in Afghanistan. Despite the COVID-19 pandemic, Finland has continued its selection of refugees for resettlement by leveraging technology, such as remote interviewing, demonstrating its adaptability to changing operational environments. Finland further took part in the EU Relocation Scheme in 2020-2021 through which 175 asylum seekers were relocated from Mediterranean countries to Finland, including 111 UACs. UNHCR welcomes Finland’s participation in the relocation scheme as an important measure of intra-EU

<sup>1</sup> Act No. 301/2004 of 2004, Aliens Act [Finland], 30 April 2004, available at: <https://www.finlex.fi/fi/laki/ajantasa/2004/20040301>.

<sup>2</sup> Finnish Immigration Service, Statistics, <https://tilastot.migri.fi/index.html#decisions?l=en>, last accessed 26 January 2022.

<sup>3</sup> UN High Commissioner for Refugees (UNHCR), Observations by the United Nations High Commissioner for Refugees Regional Representation for Northern Europe: Draft Law Proposal of 5 October 2018 amending the Alien's Act of Finland, 23 October 2018, available at: <https://www.refworld.org/docid/5bdc4aa4.html>.

solidarity and making a difference for many highly vulnerable children.<sup>4</sup>

## II. ACHIEVEMENTS AND POSITIVE DEVELOPMENTS

**Linked to 3<sup>rd</sup> cycle UPR recommendation no 100.151:** “Provide the necessary protection for and preserve the dignity of asylum seekers, ensure their access to legal assistance, facilitate family reunification procedures for migrants, and provide them with social security (Egypt).”

In 2016, Finland introduced amendments to the Finnish Aliens Act and related legislation (HE 32/2016) through which significant reductions in access to legal aid in the first instance entered into force.<sup>5</sup> UNHCR notes with appreciation the legislative amendments of 2021, which repealed the 2016 restrictions, and made State-sponsored legal aid at first instance accessible again to all asylum-seekers. Further, lawyers’ fees are now calculated on an hourly rather than a fixed rate, enhancing the quality of legal aid available to applicants.

## III. KEY PROTECTION ISSUES, CHALLENGES AND RECOMMENDATIONS

### Challenges linked to outstanding 3<sup>rd</sup> cycle UPR recommendations

#### Issue 1: Family Reunification

**Linked to 3<sup>rd</sup> cycle UPR recommendation no. 100.152:** “Evaluate the impact of recent changes made to policies and legislation, which seem to restrict the international protection regime for asylum seekers and refugees, and ensure that all persons in need of international protection receive fair treatment and that refugees’ rights to reunification are respected (Kazakhstan).”

Finland restricted the potential for family reunification in 2016 by introducing a number of changes to the *Aliens Act*.<sup>6</sup> These amendments include an income requirement which must be fulfilled where the sponsor in Finland has been granted subsidiary protection, while individuals granted refugee status, including resettled refugees, under the *1951 Convention* are exempted from the income requirement when the family reunification application is lodged within three months after the sponsor was granted protection. Exemptions can be made on exceptional grounds or if necessary due to the best interests of the child. There is, however, no general rule of exemption where the sponsor in Finland is a UAC and exemptions are restrictively applied in practice.

In 2021, the Ministry of the Interior of Finland put forward a draft law proposing to lift the income requirements for beneficiaries of international protection and persons granted a residence permit on compassionate grounds, both for nuclear family members as well as other relatives.<sup>7</sup> While generally welcoming the proposed changes, UNHCR made recommendations to ensure that, to the greatest extent possible, Finland upholds the right to family life of refugees and other beneficiaries of international protection. Those recommendations address the concept of dependency and the systematic assessment of

<sup>4</sup> Valtioneuvosto, Valtioneuvoston päätös SM/2020/16, available at:

<https://valtioneuvosto.fi/paatokset/paatos?decisionId=0900908f806891e1>, last accessed 28 January 2022.

<sup>5</sup> UN High Commissioner for Refugees (UNHCR), Comments by the UNHCR Regional Representation for Northern Europe on the draft Law Proposal amending the Aliens Act and some other laws of the Republic of Finland, January 2016, available at: <https://www.refworld.org/docid/56991a7a4.html>.

<sup>6</sup> For an overview of the restrictions, please see Finnish Refugee Advice Center, Family Reunification Practices in Finland, 15 March 2021, available at: [https://www.pakolaisneuvonta.fi/wp-content/uploads/Family-Reunification-Practices-in-Finland\\_Report\\_FRAC.pdf](https://www.pakolaisneuvonta.fi/wp-content/uploads/Family-Reunification-Practices-in-Finland_Report_FRAC.pdf), last accessed 28 January 2022.

<sup>7</sup> Ministry of Interior, Hanke perheenyhdistämisen edistämiseksi, <https://intermin.fi/hankkeet/hankesivu?tunnus=SM023:00/2020>, last accessed 26 January 2022.

the best interests of the child.<sup>8</sup>

UNHCR would like to highlight that income requirements present a significant legal and financial obstacle for refugees. The particular vulnerability and circumstances of refugees need to be taken into account, and they ought to enjoy more favourable conditions for family reunification. Many families get separated during flight and rely on family reunification as a legal pathway to enjoy their right to family life, enshrined in article 8 of the *European Convention of Human Rights*.<sup>9</sup> The current restrictions to family reunification in the Finnish *Aliens Act* risk leading to more individuals, especially women and children, having to resort to smugglers and undertake dangerous journeys.

### Recommendations:

UNHCR recommends that the Government of FINLAND:

- a) Lift all income requirements to facilitate family reunification for refugees and other beneficiaries of international protection;
- b) Strengthen the multi-disciplinary assessment and determination of the best interests of the child in all family reunification procedures and ensure that children are reunited with their family in a positive, humane and expeditious manner; and
- c) Remove or reduce legal, practical and financial obstacles to family reunification for refugees and beneficiaries of international protection.

### Issue 2: Detention of Children

**Linked to 3<sup>rd</sup> cycle UPR recommendation no.100.132: “Review national laws to prohibit the detention of minors (Portugal)”.**

UNHCR is concerned about the continued practice of detention of children for immigration purposes. Immigration detention violates a child’s right to liberty<sup>10</sup> and a child’s best interests should supersede other considerations of the State, including immigration control.<sup>11</sup> The Finnish *Aliens Act* stipulates that children may be detained for immigration purposes under certain conditions. UACs above the age of 15 may be detained where alternatives to detention are not deemed sufficient,<sup>12</sup> while children of all ages with families may be detained if appropriate to maintain family unity.<sup>13</sup>

New forms of alternatives to detention were introduced in 2016, including directed residence, and home curfews for children. While UNHCR has encouraged Finland to develop alternatives to detention, UNHCR is concerned that directed residence with regular reporting obligations may restrict asylum-seekers’ liberty and freedom of movement to an extent that may not be proportional and justifiable for this particular group, and alternative measures could equally serve the purpose.<sup>14</sup> Directed residence combined with registration of up to four times per day is of such an intensity that it could be argued it actually amounts to detention in practice<sup>15</sup> within the meaning of Article 5 of the *European Convention on Human*

<sup>8</sup> UN High Commissioner for Refugees (UNHCR), UNHCR Observations on the proposed amendments to the Finnish Aliens Act Hallituksen esitys eduskunnalle laiksi ulkomaalaislain muuttamisesta, 24 September 2021, available at: <https://www.refworld.org/docid/615437514.html>; UN High Commissioner for Refugees (UNHCR), UNHCR recommendations to Finland on strengthening refugee protection in Finland, Europe and globally, 22 March 2019, available at <https://www.unhcr.org/neu/wp-content/uploads/sites/15/2019/03/UNHCR-Recommendations-to-Finland-2019.pdf>, last accessed 28 January 2022.

<sup>9</sup> Council of Europe, European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14, 4 November 1950, ETS 5, available at: <https://www.refworld.org/docid/3ae6b3b04.html>.

<sup>10</sup> UN General Assembly, Convention on the Rights of the Child, 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, available at: <https://www.refworld.org/docid/3ae6b38f0.html>, art. 3 and 37(b).

<sup>11</sup> UN High Commissioner for Refugees (UNHCR), Options Paper 1: Options for governments on care arrangements and alternatives to detention for children and families (first published 2015, revised version 2019), 2019, available at: <https://www.refworld.org/docid/5523e8d94.html>.

<sup>12</sup> Aliens Act (No. 1), art. 122.

<sup>13</sup> Ibid.

<sup>14</sup> Comments by the UNHCR Regional Representation for Northern Europe (No. 5).

<sup>15</sup> UNHCR, Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention, 2012, available at: <http://www.refworld.org/docid/503489533b8.html>.

## Rights.<sup>16</sup>

UNHCR further notes that periodic court review of detention decisions is not automatic and will depend on a request of the detained individual. UNHCR remains concerned that if the judicial review on the legality of the detention is carried out only when requested by the detained individual concerned, this may serve as an undue barrier to the exercise of the minimum procedural safeguard of prompt judicial review, particularly in the case of children<sup>17</sup>

## Recommendations:

UNHCR recommends that the Government of FINLAND:

- a) Ensure that children are not detained for immigration-related purposes and explore alternatives to detention that are appropriate for their age and specific circumstances;
- b) Review the conditions of directed residence measures, to ensure that it truly is an alternative to detention;

## Additional protection challenges

### Issue 3: Statelessness

The Finnish *Nationality Act*<sup>18</sup> sets out comprehensive measures to prevent statelessness. Particularly commendable is the automatic granting of Finnish nationality to children born in Finland who would otherwise be stateless. Finland is currently reviewing the *Nationality Act* with an objective to clarify the Act. UNHCR welcomes the proposal to introduce one single definition on statelessness, instead of dividing statelessness into voluntary and involuntary.<sup>19</sup> In view of the Global #IBelong Campaign<sup>20</sup> which aims to end statelessness by 2024, UNHCR calls on Finland to adopt the necessary legislative changes to meet the objectives of the campaign.<sup>21</sup>

UNHCR furthermore encourages Finland to establish a full-fledged dedicated statelessness determination procedure (SDP). An SDP serves to identify stateless persons and to ensure that they enjoy the rights and protection to which they are entitled until they acquire a nationality. In this regard, UNHCR notes the high number of individuals in Finland registered with “unknown” nationality rather than as stateless.<sup>22</sup> By establishing a dedicated SDP and by affording those identified as stateless the protection to which they are entitled, Finland would better fulfil its commitments under the *1954 Convention*.

Finland maintains a number of reservations to the *1954 Convention*, namely a general reservation on more favourable treatment for nationals of the other Nordic Countries and reservations to Articles 7(2), 8, 12(1), 24 (1), 25 and 28. UNHCR found in its Mapping of Statelessness in Finland that some of the reservations may no longer be relevant in light of legislative developments.<sup>23</sup>

## Recommendations:

UNHCR recommends that the Government of FINLAND:

- a) Introduce a full-fledged dedicated Statelessness Determination Procedure; and
- b) Review the reservations to the *1954 Convention relating to the Status of Stateless Persons*, with a view to lifting them.

<sup>16</sup> Council of Europe, European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14, 4 November 1950, ETS 5, available at: <https://www.refworld.org/docid/3ae6b3b04.html>, art. 5.

<sup>17</sup> UN High Commissioner for Refugees (UNHCR), Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention, 2012, Guideline 7, para. 47 (iii), available at: <http://www.refworld.org/docid/503489533b8.html>.

<sup>19</sup> Nationality Act (359/2003) [Finland], 359/2003, 1 June 2003, available at: <http://www.refworld.org/docid/3ae6b51614.html>.

<sup>20</sup> UN High Commissioner for Refugees (UNHCR), UNHCR Observations on the "Proposed Amendments to the Finnish Citizenship Act", 12 November 2021, available at: <https://www.refworld.org/docid/618e7c034.html>.

<sup>21</sup> UNHCR, #IBelong Campaign, <https://www.unhcr.org/ibelong/>, last accessed 26 January 2022.

<sup>22</sup> The campaign objectives are to end statelessness by 2024 by identifying and protecting stateless people, resolving existing situations of statelessness and preventing the emergence of new cases, Ibid.

<sup>23</sup> UNHCR Observations on the "Proposed Amendments to the Finnish Citizenship Act" (No. 19).

#### **Issue 4: Alternative Care Arrangements for Unaccompanied Children**

Finland primarily uses an institutional care model for UACs, while other alternative care models, such as family placements, are limited.<sup>24</sup> Moreover, many UACs need to relocate to another group home once a decision is made on their asylum application. UNHCR appreciates that the individual needs of UACs are systematically assessed and all UACs are appointed a representative, a social worker and other support as needed.

According to international child rights standards, every child has a right to a standard of living adequate for the child's development.<sup>25</sup> Alternative care arrangements need to cater for the child's proper development, both physical and mental.<sup>26</sup> In UNHCR's view, residential or institutional care should always be a last resort and only considered when family-based care is not possible or not in the best interest of the child.<sup>27</sup>

#### **Recommendations:**

UNHCR recommends that the Government of FINLAND:

- a) Introduce alternative care arrangements for unaccompanied children and ensure that institutional care is only considered as a last resort;
- b) Integrate family and child appropriate reception arrangements for asylum-seeking children into existing national systems in Finland.

**UNHCR**  
**February 2022**

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<sup>24</sup> UN High Commissioner for Refugees (UNHCR), Mapping Statelessness in Finland, November 2014, available at: <http://www.refworld.org/docid/546da8744.html>.

<sup>25</sup> Finnish Immigration Service, Accommodation for minor an unaccompanied minor asylum seeker, <https://migri.fi/en/accommodation-of-an-unaccompanied-minor-asylum-seeker>, last accessed 26 January 2022.

<sup>26</sup> Convention on the Rights of the Child (No. 10), art 27.

<sup>27</sup> Ibid, art. 3(2).