

**NATIONAL REPORT DONE BY THE ODYSSEUS NETWORK FOR THE  
EUROPEAN COMMISSION ON THE IMPLEMENTATION OF THE  
DIRECTIVE ON RECEPTION CONDITIONS FOR ASYLUM SEEKERS IN:  
FINLAND**

by

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**1. NORMS OF TRANSPOSITION**

- Q.1. Identify the main norm of transposition (indicate the title, date, number, date of entry into force and references of publication into the official journal) and indicate its legal nature (legislative, regulatory, administrative); indicate in your answer if this norm was only devoted to the directive or if it has been included in a more general text and indicate in that case by quoting precisely the numbers of the provisions adopted to transpose the directive.

*Note on the technique on indications of the norms: the date is the date of publication in the official journal (Suomen säädöskokoelma), and the number is the number of the norm in the official journal*

The main norm of transposition is Laki maahanmuuttajien kotouttamisesta ja turvapaikanhakijoiden vastaanotosta (Act on the integration of immigrants and reception of asylum seekers; hereafter, Integration Act) 9.4.1999/493, as amended by Act 27.5.2005/362, and Act 29.12.2005/1215 (also amended by Act 118/2002, 1292/2002 and 649/2004). This is a legislative norm, which was enacted some years before the Directive, but still forms the basis for the transpositions, with the changes introduced in 2005.

The original Act:

<http://www.finlex.fi/fi/laki/alkup/1999/19990493>

The amendments based on the Directive in 2005:

<http://www.finlex.fi/fi/laki/alkup/2005/20050362>

Unofficial English translation of the Act from 1999:

<http://www.finlex.fi/pdf/saadkaan/E9990493.PDF>

Q.2.

List by order of importance by using numbers (1, 2, 3) the others norms of transposition if there are more than one (indicate for each norm the title, date, number and references of publication into the official journal; include in your answer the administrative measures taken to ensure implementation of the directive and of the transposition norms like regulations, administrative circulars, special instructions,...)

- Put as an annex to your report a paper copy of each norm in the original language with a reference number to help the reader to find it easily;
- Send us as an electronic version of each norm or a weblink to the text (this will be used for the website we are building);
- Provide the texts of any translation of the above norms into English if they are available.

1. Ulkomaalaislaki (Aliens Act) 30.4.2004/301

<http://www.finlex.fi/fi/laki/alkup/2004/20040301>

English translation (unofficial ; contains changes up to Act 653/2004, July 2004) :

<http://www.finlex.fi/en/laki/kaannokset/2004/en20040301.pdf>

2. Asetus maahanmuuttajien kotouttamisesta ja turvapaikanhakijoiden vastaanotosta (Decree on the integration of immigrants and reception of asylum seekers) 22.4.1999/511, as amended by Decrees 21.2.2002/156 , 2.6.2005/372 and 20.4.2006/280

<http://www.finlex.fi/fi/laki/ajantasa/1999/19990511>

3. Valtioneuvoston päätös/asetus pakolaisista ja eräistä muista maahanmuuttajista sekä turvapaikanhakijoiden vastaanoton järjestämisestä aiheutuvien kustannusten korvaamisesta (Decision/Decree on the compensation of costs for the arranging of reception of refugees and certain other immigrants and asylum seekers), 21.4.1999/512, as amended by Decree 1108/1999, 940/2001, 196/2002, 664/2004, 373/2005

4. Työministeriön asetus turvapaikanhakijoiden ja tilapäistä suojelua saavien ryhmäkodista, toimeentulotuen jakamisesta rahamääräisestä ja hyödykkeinä annettavaan osaan sekä majoituksesta perittävistä maksuista (Ministry of Labour Decree on group homes, the dividing of the social assistance into parts constituting monetary benefits and benefits in kind, and fees charged for housing) 6.6.2005/389  
<http://www.finlex.fi/fi/laki/alkup/2005/20050389>
5. Laki säilöön otettujen ulkomaalaisten kohtelusta ja säilöönottoyksiköstä (Act on the treatment of detained aliens and the detention unit ; hereafter Detention Act) 15.2.2002/116 , amended by act 13.6.2003/533  
<http://www.finlex.fi/fi/laki/ajantasa/2002/20020116> ; 6. Laki toimeentulotuesta (Act on Social Assistance ) 30.12.1997/1412, amended by Acts 22.9.2000/815, 3.11.2000/923, 2.3.2001/191, 21.12.2001/1410, 28.1.2005/49  
<http://www.finlex.fi/fi/laki/ajantasa/1997/19971412>
7. Act on the Register of Aliens (19.12.1997/1270)  
<http://www.finlex.fi/fi/laki/ajantasa/1997/19971270>
8. Basic Education Act (21.8.1998/628)  
Inofficial English translation, with amendments up to Act 1136/2004:  
<http://www.finlex.fi/en/laki/kaannokset/1998/en19980628.pdf>

Q.3. Explain which level of government is competent to adopt the legal norms on reception conditions for asylum seekers (specify in particular in case of a federal or regional State, if it is the federal/central power or the components; in case, specify below when it is impossible for you to answer a question because it is about the competence of the components and it is impossible for you to gather reliable information about all of them)

In Finland, which is a unitary state, it is primarily Parliament (eduskunta, riksdagen) which is competent to adopt the legal norms on reception conditions. The Constitution (Section 80) requires that all norms that regulate the principles governing the rights and obligations of individuals (including foreigners) must be enacted at the hierarchical level of an Act of Parliament. The Government and individual ministries, in this case the

Ministry of Labour, can issue decrees, which are legal norms, related to the reception conditions.

However, the self-governing Åland Islands exercise legislative authority in respect of matters enumerated in the Act on Autonomy of Åland (1144/1991), section 18. Legislative powers in these areas are held by the Åland Parliament.

- Q.4. Explain the legal technical choices done to transpose the directive (comment on the nature and level of the norms used to do the transposition: legislative, regulatory, administrative like instructions, etc). Add any other element about the technique of transposition of the directive which is interesting for the implementation of Community law.

In principle, the whole directive has been transposed by a legislative norm (Act of Parliament), although some specifications to the Directive have been made by Government Decree. There are also some specifications in a Ministry of Labour Decree, and in circulars issued by that Ministry.

- Q.5. Mention if there is a general tendency to just copy the provisions of the directive into national legislation without redrafting or adaptation them to national circumstances? If yes, give some of the worst examples and explain if there is a risk that those provisions remain unapplied or will create difficulties of implementation in the future.

Since the main legislation concerning the remit of directive was in place already before, the transposition meant rather an adjustment and to some extent inclusion of new elements into the main instrument of transposition.

- Q.6. Have all the texts necessary to ensure the effective implementation of the new rules of transposition been adopted, prepared or at least foreseen in the future (for example a regulation completing a new law and the necessary instructions telling the administration how to apply the new rules)?

Yes, for the most part. There is, however, a problem concerning the right to education for children, where clear norms on the right of children seeking asylum to access to education should be included, although this right is enshrined in the Constitution concerning primary education (9 years of school).

## **2. BIBLIOGRAPHY**

- Q.7. Has an in-depth preparatory study been made public about the changes at the occasion of the transposition? If yes, thanks for trying to provide us a copy (*please contact to answer this question adequately the body and*

*person who was responsible for the preparation of the transposition of the directive in the public administration).*

A working group appointed by the Ministry of Labour prepared the Bill for the amendments to the Integration Act. The Government Bill 280/2004 for the amendments to the Integration Act also contains a detailed analysis of the reception conditions in relation to the Directive.

- Q.8. Quote any recent scientific book or article published about the directive, the transposition rules or the question of reception conditions for asylum seekers in general (answer even if this literature is only available in your language and provide the complete title in your language (without translation) with all references; indicate author, title, in case name of periodical, year and place of publication).

There are no recent scientific books or articles relating directly to the implementation directive. There is, however, a study on reception conditions: “Muutos on pysyvä olotila. Turvapaikanhakijoiden vastaanottona järjestettävät palvelut ja niiden järjestämisestä aiheutuvat kustannukset” (“Change is a permanent state – Services provided at the reception of asylum seekers and the costs incurred”) published in the series Työpoliittinen tutkimus 292/2005 (available at [http://www.mol.fi/mol/fi/99\\_pdf/fi/06\\_tyoministerio/06\\_julkaisut/06\\_tutkimus/tpt292.pdf](http://www.mol.fi/mol/fi/99_pdf/fi/06_tyoministerio/06_julkaisut/06_tutkimus/tpt292.pdf)).

There is also a Government Report on the implementation of the Integration Act to Parliament from 2003 (Government Report 5/2002; Ministry of Labour publication 317/2003; [http://www.mol.fi/mol/en/99\\_pdf/en/90\\_publications/thj317.pdf](http://www.mol.fi/mol/en/99_pdf/en/90_publications/thj317.pdf)), which covers much of the remit of the Directive.

- Q.9. Quote any interesting decision of jurisprudence based on the implementation of the new rules of transposition of the directive (indicate references of publication if any)?

There is not yet any jurisprudence.

### **3. GENERAL INFORMATION ABOUT THE SYSTEM OF RECEPTION CONDITIONS**

*The purpose of the following two questions is to help the reader to understand easily and quickly the system of reception conditions in your Member State and also to avoid that you have to repeat general elements in other parts of the questionnaire. **Please do not***

*write more than one or maximum two pages and do not include large historical developments.*

Q.10. Describe in general the system of reception conditions in your Member State (in particular which are the main actors in charge of reception conditions?)

Reception of asylum seekers is centrally the responsibility of the Ministry of Labour. It has concluded contracts with administrators of reception centres, which are dispersed all over the country, in 14 municipalities, altogether 15 centres, out of which 2 are in Helsinki. 2 are maintained by the State, 11 by municipalities, and 2 by the Finnish Red Cross.

An asylum-seeker's right to reception condition starts when an asylum application is lodged. The application is lodged at the border posts to the Frontier Guard or the police, and in country at local police stations. The receiving authority will be in contact with the nearest reception centre, which takes initial responsibility for the asylum-seeker. There are a few reception centres which are designated as so-called transit centres, where the intention is that asylum-seekers stay until they have had their asylum-interview. Partly, asylum-seekers are transferred there upon arrival, but also on the basis of availability of places in reception centres.

All asylum-seekers are registered in a reception centre, apart from those who are placed in detention upon arrival. In principle, detainees should within a short period be transferred to a closed reception centre, if the detention continues. He is then registered in the closed centre.

The reception centres provide housing, medical care, the services of a social worker, primary school for children, and language training and activities for the adults, and social assistance.

Housing is provided either in dormitory-like conditions or in municipal rental apartments. All services are free of charge, unless it is deemed that the asylum-seeker has own means to pay. In this case, a reasonable fee can be charged, the rate of which may not exceed the cost of producing the service. The social assistance, provided on the basis of assessed needs, is somewhat lower of the minimum social assistance, and based on a set amount of deductions i.e. since housing and other services are provided to asylum-seekers.

Unaccompanied minors applying for asylum are placed in special group homes, and sometimes with adult relatives. Each child is assigned a representative as soon as possible after the arrival.

Q.11.

A. Explain if you have different types and levels of reception conditions following the different stages of the asylum procedure (this implies that you have to give briefly the necessary explanations about the asylum procedure). Make if relevant for reception conditions a distinction between the following procedural stages: determination of the responsible Member State on the basis of the Dublin II regulation, special procedures at the border (including transit zones in airports), accelerated procedures, admissibility procedures, eligibility procedures and the different possibilities of appeals (suspensive or not) against a refusal of the asylum request. Indicate what the main differences of reception conditions are between the different stages (if necessary by detailing between the different elements of reception conditions, in particular housing) and explain what the evolution of reception conditions is following the different stages of the procedure.

The reception conditions are basically uniform for all stages of the asylum procedures. However, in situations of mass influx, there are provisions in the law which allow for the creation of organising centres (järjestelykeskus), where asylum-seekers stay for a brief, initial period. In these, reception conditions may be provided in kind. This possibility has not been resorted to in practice.

The police runs a EURODAC check on all asylum-seekers, and if there is a EURODAC hit, the reception centre is informed. If the asylum-seeker is usually housed in a transit centre, s/he will usually remain there up to the time when it is determined in an admissibility procedure whether s/he will be transferred to another Member State.

B. **Indicate precisely for which stage(s) of the asylum procedure the answers on reception conditions you give below are valid.**

The answers below are valid for all the stages of the procedure, unless indicated otherwise. Reception conditions are maintained up to the point when an asylum-seeker gets a residence permit or leaves the country, ie. also during appeals procedures.

#### **4. GENERAL RULES ON RECEPTION CONDITIONS**

Q.12.

A. Are material reception conditions provided in kind, in money or in vouchers or in a combination of these elements (see article 13, §5 which is an optional provision)? Distinguish between the different elements (housing, food, clothes, health, transportation, pocket money,...). If reception conditions are provided in money (in general or in some cases, for instance when no places are anymore available in accommodation centres), indicate the precise amount given to the asylum seekers. Indicate in your answer what is provided in general

**and if there are exceptional cases.** Specify in your answer if reception conditions are different from the general system of social aid for nationals or aliens and if yes, if and when (which stage of the asylum procedure) can asylum seekers have access to the general system of social aid?

In national law, the basis for the reception conditions is in Section 19(1) of the Constitution (perustuslaki, 731/1999), which states that everyone who is not able to acquire the security that is necessary for a life in dignity has the right to necessary subsistence and care.

This right is the basis for the reception conditions. In practice, it is considered that a minimum level of subsistence, including food, emergency housing, and emergency health care is the minimum that has to be provided to any person who is in Finland. For more extensive social services and aid, as well as health care and social insurance, the basis is residence in Finland for at least one year.

The contents of reception conditions are specified in Section 19 of the Integration Act (493/1999, amended 362/2005). In this Section, it is stated that reception conditions for asylum seekers contain housing, social assistance, necessary social and health services, interpretation and other means of securing basic needs. In addition, work and study activities may be organized. Housing shall be organized so that family members can reside together. The special needs of asylum seekers due to their age, vulnerable situation or physical or mental condition must be taken into account in arranging housing and other reception conditions. In the reception, the best interest of the child must be taken into account. A child who is in need of special support, must be provided with appropriate counseling and support, and appropriate mental health care.

The reception conditions are provided as a combination of money and in kind. The reception conditions are based on that the asylum-seekers receive a social assistance, from which certain deductions are made for reception conditions given in kind, on the basis of the Ministry of Labour Decree 389/2005 (Työministeriön asetus turvapaikanhakijoiden ja tilapäistä suojelua saavien ryhmäkodista, toimeentulotuen jakamisesta rahamääräisestä ja hyödykkeinä annettavaan osaan sekä majoituksesta perittävistä maksuista).

According to the Decree, section 2, asylum seekers receive the basic part of the normal social assistance, but with a deduction of 5 % as for housing in a reception centre. According to information from the Ministry of Labour, this deduction is no longer made as of September 2006.

In addition, a deduction by 10 % for adults and 15 % for children is made for other reception conditions offered in kind.

The same deductions are made for persons who do not live in a reception centre as compensation for that they have the possibility to housing and the other reception conditions in a reception centre.

The allowance is to cover the normal living expenditures, apart from housing, that is, clothing, food, and other miscellaneous costs. Housing is provided in a reception centre. Services, which are usually made available by municipalities free of cost or at very low cost to residents are organised free of charge also for asylum-seekers, ie. mainly social counselling and emergency health care, and mandatory activity programmes. There is usually one or two nurses and a social worker hired by the reception centre. Education is provided to children through the public school system, and language and other courses for adult asylum seekers is arranged by the reception centres.

The subsistence allowance is granted separately for each person in a household, and there is a calculated amount for different categories, ie. adults, spouses, adult children living with parents, children aged 10-17 and children aged 0-10. A chart of the amounts for each category compared to the general social assistance is enclosed to this report. Social assistance also varies slightly depending on if an asylum-seeker is housed in a municipality which by the State is designated as a category I municipality, where living costs are slightly higher, or a category II municipality, usually outside the larger cities, where living costs are slightly lower.

**B. Can the reception conditions in kind, money or vouchers be considered as sufficient “to ensure a standard of living adequate for the health of applicants and capable of ensuring their subsistence” as requested by article 13, §2 of the directive (which is a mandatory provision but leaves a certain space to Member States)?** In order to help to assess the respect of this rule when reception conditions are provided in money, include if necessary in your answer points of comparison with the minimum amount of social aid guaranteed for nationals in your Member State.

The reception conditions can be said to be at a minimum level to sufficiently ensure the subsistence of asylum-seekers, given that they take benefit of the housing provided in kind.

Recipient	EUR/month
General level of social assistance in Finland	382,70
Asylum seeker's social assistance, -15 %	<b>325,30</b>
Asylum seeker's social assistance reduced -20 % because of refusal to participate in work/study activities	<b>248,76</b>

## **5. PROCEDURAL ASPECTS**

### **Q.13.**

**A. Does the national legislation specifically provide that a request for international protection is presumed to be under the Geneva Convention unless explicitly requested otherwise? (see article 2, b which is a mandatory provision)**

According to the Integration Act, section 2, para. 1, point 3, and asylum seeker is a person who has applied for international protection in accordance with the Aliens Act (ulkomaalaislaki, 301/2004). Applications for international protection under the Aliens Act include:

1. applications for asylum in accordance with Section 87 of the Aliens' Act;
2. applications for a residence permit due to need of protection in accordance with Article 88 of the Aliens' Act .

In the Aliens Act, section 94, an asylum application and its scope are defined, including the presumption of an asylum application:

#### *Section 94 – Asylum procedure*

- (1) An application based on a need for international protection which is filed with the authorities at the Finnish border or on Finnish territory is processed in the asylum procedure.
- (2) An alien who refers to his or her endangered human rights is considered to be applying for asylum unless he or she specifically states otherwise.
- (3) Granting the right of residence is also investigated and decided on other emerging grounds in conjunction with the asylum procedures

In principle, an application for protection is possible to lodge also only on the basis of Article 88 of the Aliens' Act. However, the presumption in the practice of the authorities is that an application covers both an application for asylum according to Article 87 of the Aliens' Act and an application for a residence permit due to need of protection in accordance with Article

88 of the Aliens' Act. Applications for both statuses are dealt with uniformly in the same procedure, and reception conditions are uniform.

- B. Explain if the scope of application of reception conditions is extended to other asylum seekers than refugees in the sense of the Geneva Convention, in particular to persons asking for subsidiary protection or to other forms of protection like humanitarian statuses (see article 3, § 4 which is an optional provision)? If not, explain briefly which the differences between these special regimes and the directive are.**

Yes, reception conditions would also cover persons seeking international protection, more specifically, for those seeking a residence permit due to need of protection under Article 88 of the Aliens Act.

- C. Are there specific provisions in national law for reception conditions in case of diplomatic or territorial asylum requests submitted through a diplomatic or consular representation (see article 3, §2 which is an optional provision)?**

No. The presumption in Sections 87,88 and 94 in the Aliens Act is that international protection can only be sought at the Finnish border on Finnish territory.

- Q.14. Are reception conditions available as from the moment one asylum application is introduced? How is article 13, §1 which is mandatory legally understood? Do asylum seekers have to satisfy any other condition in order to get reception conditions?**

Reception conditions are available from the moment an asylum application is lodged. In some exceptional situations, it may have happened that asylum-seekers have received reception conditions, basically housing, even before their asylum application has been formally registered. This was the case in the early 1990s in some situations, when numbers of asylum-seekers unexpectedly rose quickly (although Finland has never had more than 4000 asylum-seekers in one year).

- Q.15. Explain when reception conditions end, for instance after refusal of the asylum request (include in your answer the link with the right of appeal against a decision of refusal of the status, in particular the question of its suspensive effect)**

According to the Integration Act, section 3, an asylum-seeker is within the scope of reception conditions until he is granted a residence permit or he has left the country. This means that reception conditions continue also after a final refusal of an asylum application, up to the point of departure from the country. Finland

has adopted a system of single procedure, which means that all grounds for an applicant's claim for international protection and other grounds for his or her residence in the country are examined in the same procedure. Under section 94(3) of the Aliens Act, the granting of the right of residence is also investigated and decided on other emerging grounds in conjunction with the asylum procedure. This means that a final refusal of an asylum application should be understood to include also the refusal of the applicant's residence in the country on other grounds. However, if it is clear that departure may be forthcoming soon, the social assistance may be paid out in amounts covering shorter periods of time, eg. one week at a time.

Asylum seekers may also after they have been granted a residence permit receive reception conditions for asylum-seekers for a reasonable amount of time. It can take from some weeks up to some months before persons granted a status can be referred to a municipality to receive the conditions for the integration of refugees.

**Q.16** **Are there special rules or practices regarding reception conditions in case of successive applications for asylum introduced by the same person?**

No. The Aliens Act foresees the possibility of successive applications, and reception conditions are applicable also to asylum seekers who have lodged successive applications.

**Q.17<sup>1</sup>.** **Information of asylum seekers about their rights and obligations in terms of reception conditions, in particular about established benefits (see article 5 which is too large extend a mandatory provision; do not confuse this question with the information to be provided to asylum seekers about the asylum procedure):**

**A.** **Are asylum seekers informed, and if yes about what precisely?**

According to the Integration Act, section 19f, asylum seekers are to be informed as soon as possible and no later than 15 days after lodging an asylum application about the rights and obligations within the reception conditions, and about social and health services, in writing, and where appropriate, orally. The asylum seeker shall be informed as soon as possible about organisations and groups who provide legal assistance concerning reception conditions and the asylum procedures.

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<sup>1</sup> To be answered with the help of UNHCR local office competent for your Member State or to be completed on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

**B. Is the information provided in writing or, when appropriate, orally?**

There is a brochure concerning the reception conditions, which is available to the asylum seekers. Mainly, however, information is provided orally. The asylum seeker usually has an initial information meeting and interview with a social worker or other staff member in the reception centre within a few days after registration, where information is provided orally.

The asylum-seeker receives in writing the rules of the reception centre and is expected to sign on the rules.

**C. Is that information in general provided in a language understood by asylum seekers? Specify the list of languages in which it is available**

The brochure is currently available in English, French, Arabic, Russian and Finnish. The rules for the reception centres are provided in most languages of asylum-seekers. Orally, information is as a rule presented via interpreters in a language understood by asylum seekers.

**D. Is the deadline of maximum 15 days respected?**

Yes.

**Q.18<sup>2</sup>. Information of asylum seekers about the existence of organisations or groups promoting their interest and defending their rights (see article 5 which is to a large extent a mandatory provision):**

**A. Is there a list of organisations dressed by the authorities and if yes is it comprehensive? Is this in particular the case about the possibilities to get legal assistance and health care?**

Brochures of the Refugee Advice Centre, the NGO providing legal assistance concerning the asylum procedure is also distributed at border posts, police stations and reception centres. Information about the Refugee Advice Centre, and the contact information of the Finnish Red Cross are also included in the brochure with general information to asylum-seekers.

There is not a comprehensive list of NGOs. Often, there are local NGOs working with asylum-seekers, for which the reception centre

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<sup>2</sup> To be answered with the help of UNHCR local office competent for your Member State or to be completed on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

would give contact information. These may include local Red Cross branches, local religious communities, or cultural organisations.

- B. **Is the information provided to the asylum seekers, and if yes, in writing or, when appropriate, orally?**

Concerning the local NGOs, information would mostly be oral.

- C. **Is that information in general provided in a language understood by asylum seekers? Specify if possible the list of languages in which it is available.**

The oral information is provided via interpretation.

- D. **How many organisations are active in that field in your Member State?**

There are some 5-10 organisations active nationally in this field, and locally, usually some 5-10 local organisations or branches of national organisations cooperate with reception centres.

**Q.19. Documentation of asylum seekers (see article 6):**

- A. **What kind of document is delivered to the asylum seeker? Explain the legal value of this document (just a certification of the status as asylum seeker or also prove of identity?) (see §1 of article 6 which is a mandatory provision)**

When an asylum application is lodged, the receiving authority usually seizes the travel documents of the applicant for the duration of the procedures. At this time, the applicant is issued with a certificate of the seizure of the document. However, this is not to be considered an identity document.

Section 96 (Card for an application process initiated in Finland) states as follows:

1. An alien who applies for international or temporary protection or who has entered Finland under the refugee quota may be issued with a card that shows that an application process concerning him or her has been initiated in Finland. The police or the Frontier Guard issue the card.
2. The card bears the applicant's name, date of birth, citizenship and photograph. If the applicant's identity has not been established, an entry about this is made in the card. The card is valid for a fixed term in Finland, but no longer than until a final decision on the matter has been made or the person has left the country or obtained a travel document.
3. An alien shall return the card when a final decision has been issued on his or her application or when he or she leaves the country or has

obtained a travel document. When the validity of the card has expired, border check authorities, the police or the Directorate of Immigration may take possession of the card.

This provision would cover the document foreseen by the Art. 6 of the Directive. However, the issuance of such a card has not yet been put into practice.

The reception centre issues a resident card to its residents. This card has a picture of the card holder, and information about that s/he is a resident of a given reception centre. This is not, however, to be considered a proof of identity, or of the asylum seeker's legal stay in Finland

- B. Are there situations or specific cases in which another equivalent document or even no document is issued? (in particular is there an exception for “procedures to decide on the right of the applicant legally to enter the territory” as made possible by §2 of article 6)?**

The resident card is issued to all asylum-seekers who are registered in reception centres, but not those who are in the detention centre.

- C. For how long is this document in principle valid and is it necessary to renew it after a certain period?**

The card is usually issued for 6 months at a time. The card is renewed by the reception centre, if the asylum seeker is still eligible for reception conditions at the time of expiry of the card.

- E. What is the deadline for the delivery of that document? Is the mandatory deadline of 3 days set by article 6, §1 respected<sup>3</sup>?**

Yes. The asylum-seeker needs the residence card in order to obtain his/her social assistance, and therefore, the card has to be issued quickly.

- F. Is it possible for an asylum seeker to get a travel document for serious humanitarian reasons (see §5 of article 6 which is an optional provision)?**

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<sup>3</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

The Aliens Act, section 134 , regulates the issuance of an alien's passport. It can be issued to an alien who *is* in Finland and is unable to obtain a passport from his country of origin; the law does not require that the alien has a residence permit here. In practice, however, it is extremely rare that asylum seekers would be able to receive a travel document.

**F. Is there a central system of registration of asylum seekers and is it or not separate from the registration of aliens? If yes, describe it briefly (content) and indicate in particular if it is an electronic database.**

Yes, there are two central systems for the registration of asylum seekers. Asylum seekers are registered in the Register on Aliens by the Directorate of Immigration, for the purposes of processing the asylum application. The Act on the Register of Aliens (1270/1997) includes provisions on the registration of foreigners (including asylum seekers) in Finland. Section 7 contains all the information which can be recorded in the Register of Aliens.

Section 3 of the Act provides that in addition to the Directorate of Immigration, the Frontier Guard and the local police, certain other authorities have access to the register (e.g. Ministry for Foreign Affairs, Ministry of Labour, Ombudsman for Minorities).

This system contains data on the asylum seeker's identity, date of arrival, date of asylum application, family members, address in Finland and in home country, and information on the processing of the application, and other data, including eg. pending criminal cases. The border guards and local police also have access to this database.

For the purposes of the reception system, there is a special electronic database for the residents in reception centres. According to the Integration Act, section 37, the following information may be recorded and stored about asylum seekers and their family members:

- 1) information about identity, the client number given by the Directorate of Immigration, and information on place of birth and nationality;
- 2) information about language skills, training, professional capacity and work experience;
- 3) information about asylum applications and expulsion, necessary for the organising of reception;
- 4) with the consent of the asylum seeker, information about his religious background and religious convictions.

1.

**Q.20. Residence of asylum seekers<sup>4</sup>:**

- A. Is in principle an asylum seeker free to move on the entire territory of your Member State or only to a limited part of it and in case, which part? (see article 7, §1 which is a mandatory provision)**

In principle, an asylum seeker is free to move within the entire territory of the State. Under section 9 (Freedom of movement) of the Finnish Constitution, Finnish citizens and foreigners legally resident in Finland have the right to freely move within the country and to choose their place of residence.

Under section 41 of the Aliens Act, an alien residing legally in the country has the right to move freely in the country and choose his or her place of residence. Under section 40(3), an alien may reside legally in the country while his or her application is being processed until there is a final decision on the matter or an enforceable decision on his or her removal from the country.

However, an asylum seeker is obliged to inform the reception centre of changes of address and longer journeys in case the asylum-seeker is housed in and in need of reception conditions

- B. About the place of residence (see §2 of article 7): explain to which extent the person is free to choose her residence and if this depends of the stage of the asylum procedure (for instance before and after admissibility); if there are constraints limiting the choice, explain which ones and their reasons (for instance processing of application, attribution of reception conditions,...).**

Asylum seekers are assigned a place in a reception centre, and have limited possibilities to influence their place of reception. Initially, asylum seekers are ideally lodged fairly near one of the three offices of the Directorate of Immigration where asylum interviews are carried out (Helsinki, Lappeenranta, Kuhmo). However, they are free also to choose another place of residence, but will then have to make their own housing arrangements and cover the costs from their social assistance. All asylum-seekers are, however, registered in a reception centre.

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<sup>4</sup> Nota bene: the case of detention is covered by other questions and should be ignored under this question.

- C. **About the place of reception (meaning where the asylum seeker has to stay to benefit from reception conditions) (see § 4 of article 7): explain which are the general rules about the determination of this place (to which extent are the decisions determining the place taken individually and do they take into account the personal situation of the asylum seeker?) and to which extent the person is free to choose it and if it depends of the stage of the asylum procedure (for instance before and after admissibility); if there are constraints limiting the choice, explain which ones and their reasons (for instance attribution of reception conditions, processing of the application,...).**

The place of reception is determined primarily on the basis of availability. According to the Integration Act section 19 c, an asylum-seeker may be transferred from one reception centre to another on the basis of his or her own motivated wish, or because a transfer is needed because of the functioning of the reception centre or for the processing of an application.

Such a decision cannot, according to section 44 of the Integration Act, be appealed.

An asylum-seeker is registered in a reception centre, which is basically responsible according to the Integration Act section 19 c, subsection 2, for providing reception conditions. An asylum seeker may, according to subsection 3, arrange their own accommodation, but must inform the reception centre about his/her address in writing and show proof of the accommodation provided either by the person providing the accommodation, or through a written lease of accommodation.

- D. **If all asylum seekers are not placed in accommodation centres because of capacity limits, explain how the persons are distributed between accommodation centres and other accommodation facilities (which authority takes the decisions, on the basis of which elements, can that decision be appealed by the asylum seeker,...)<sup>5</sup>**

When an asylum-applicant lodges an application, the police or Frontier Guard refers her/him to the closest reception centre. If accommodation is not available there, the reception centre will transfer the applicant to another reception centre, firstly, on the basis of availability of space. Special considerations, eg. family

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<sup>5</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

members already present in Finland, relatives, and special needs, will be taken into account also at this stage.

**E. How can an asylum seeker ask to leave temporarily the place of residence or of reception or an assigned area? How is the individual AND impartial character of the decision ensured? (see §5 of article 7 which is a mandatory provision)**

N/A. However, since asylum-seekers are obliged to participate in the work/study programmes of the reception centres, leaving the reception centre may de facto cause a reduction in the social assistance. Therefore, the asylum-seeker must obtain permission to be absent from the work/study programme for a certain period, in order for reception conditions not to be reduced (see Q. 21.A)

**Q.21. A. Do rules on reduction or withdrawal of reception conditions exist in internal legislation and if yes in which cases (mention in particular if there are cases not foreseen by article 16, § 1 and 2 which are optional provisions)? Distinguish in your answer between cases of reduction and withdrawal and explain which conditions can be reduced and if access to emergency health care is always ensured as requested by article 16, §4, last sentence.**

Yes. Rules on reduction or withdrawal of reception conditions exist in the Integration Act, section 22, subsection 4. It is basically only possible to withdraw a certain part of the social assistance, not other reception conditions.

There are two situations where the social assistance could be reduced: first, if an asylum seeker neglects to participate in work/study activities, and second, on the grounds of a needs assessment.

The grounds related to negligence are that a resident has repeatedly neglected to participate in the work and study programme of the reception centre. The withdrawal can be up to 20 %.

This provision is based on the Act on Social Assistance (laki toimeentulotuesta 1412/1997), section 10, subsections 1-3 where general grounds for a partial withdrawal of subsistence allowance up to 20 % are enumerated. These are related to an unjustified refusal either to accept work offered, or to participate in integration measures for immigrants, or rehabilitative work or activities. For asylum-seekers, this provisions relate to the work-study programme in the reception centre, for approximately ten hours per

week. Asylum-seekers are not offered integration measures or rehabilitative work or activities.

The reductions can be made only if they do not jeopardize subsistence necessary for a dignified life and the reduction cannot otherwise be considered unreasonable. The reduction can be made at the most for two months at a time.

Also, the social assistance can be reduced or withdrawn altogether on the basis of a needs assessment, in accordance with section 22.

- D. Has article 16, §2 dealing with refusal of reception conditions for unreasonably late applications for asylum been transposed by your Member State (or was this case already applicable before transposition)? Are there cases in practice<sup>6</sup>?**

No, it has not been transposed.

- E. How is it ensured that decisions of reduction or withdrawal are taken individually, objectively AND in particular impartially (for instance through and independent arbitrator) (see article 16, §4 which is a mandatory provision)?**

The decision concerning withdrawal must be made in accordance with the Act on Social Assistance, ie. the decision would be made by a qualified social worker, usually the person normally taking the decisions on the social assistance.

- F. Is statement 14/03 adopted by the Council at the same moment as the directive respected (see the documentation pack you received at our meeting in Brussels in April)?**

Yes.

- G. Are there already administrative appeal decisions or judgements on cases of reduction, withdrawal or refusal which have been taken, and if yes, what has been the outcome<sup>7</sup>?**

According to Administrative Courts, appeals have not been lodged.

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<sup>6</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

<sup>7</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

- Q.22.**
- A. Appeal against a negative decision relating to the granting of benefits or based on article 7 (see article 21 which is a mandatory provision): indicate against which decision an appeal can be introduced, describe the system of appeal in general and include in particular in your answer the information given to asylum seekers about possibilities of appealing, deadline for appealing, if the appeal has or not a suspensive effect, if there are different steps (for instance first an administrative appeal and in particular if the guarantee of an appeal before a judicial body in the last instance is respected)?**

Decisions concerning the social assistance can be appealed in accordance with section 24 of the Integration Act, to the local Administrative Court within whose jurisdiction the asylum seeker's reception centre is located.

- B. Explain which are the possibilities for asylum seekers to benefit from legal assistance when they introduce such an appeal (see article 21, §2 which is a mandatory provision but leaves space to Member States)?**

An asylum seeker may receive legal assistance for such an appeal on the basis of the general rules on legal aid laid down in the Act on Legal Aid (oikeusapulaki) 5.4.2002/257. Legal aid covered by the State can be granted to persons who need legal expertise and who due to their economic situation cannot cover the costs themselves (section 1, subsection 1). According to section 2, legal aid can be provided to any person who has a case pending in a Finnish court, or for other special reasons.

Hence, asylum-seekers would also be covered by this provision in the case of an appeal on the social assistance.

- C. Are there already administrative appeal decisions or judgements which have been taken and if yes, which are the main important ones<sup>8</sup>? -No.**

- D. Is a mechanism of complain for asylum seekers about quality of receptions conditions in general (even if they are not personally concerned) organised? If yes, before which**

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<sup>8</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

**authority? Is it linked to the system of guidance, control and monitoring of reception conditions (see below question n° 39)?**

Asylum-seekers may in principle launch complaints about reception conditions to the Employment and Economic Development Centres (Työvoima- ja elinkeinokeskus or TE-keskus), which make the contract for reception centres for the State. Also, complaints to the Ombudsman for Minorities is available to asylum-seekers, as well as the general system for complaints to the Ombudsman of the Parliament.

## **6. RIGHTS AND OBLIGATIONS OF ASYLUM SEEKERS**

**Q.23. Family unity of asylum seekers: define how a family is defined in relation with article 2, (d) which is a mandatory provision and explain how housing is provided to a family (see articles 8 which is a mandatory provision but leaves space to member States and 14, §2, (a) which is a mandatory provision).**

Family members are defined in the Aliens' Act, section 37, as:

(1) the spouse of a person residing in Finland, and unmarried children under 18 years of age whose parent or guardian the person residing in Finland is, are considered family members. If a person residing in Finland is a minor, his or her parent or guardian is considered a family member. A person of the same sex in a nationally registered partnership is also considered a family member.  
(2) Persons living continuously in a marriage-like relationship within the same household regardless of their sex are comparable to a married couple. The requirement is that they have lived together for at least two years. This is not required if the persons have a child in their joint custody or if there is some other weighty reason for it.

However, for the purposes of reception conditions, persons living in a marriage-like relationship would not be required to formally show the length of their cohabitation in order to be counted as family members.

- Q.24. A. How is housing of asylum seekers organised: describe the system in general and indicate in particular what is the most frequently system used (see article 14, §1 which is a mandatory provision but leaves space for Member States; distinguish between accommodation centres, private houses and apartments, hotels places or other premises).**
- B. What is the total number of available places for asylum seekers?<sup>9</sup> Distinguish in your answer between accommodation centres, private houses and apartments, hotels or other premises.**

The total number of places is 1934 (figure of June 1, 2006).

- C. Is this number of places for asylum seekers sufficient in general or frequently insufficient?<sup>10</sup>**

The number of places is generally sufficient.

- D. Are there special measures foreseen in urgent cases of a high number of news arrivals of asylum seekers (outside the case of application of the directive on temporary protection)?**

Yes, there are emergency provisions in the Integration Law, and also a contingency plan for reception conditions in the case of a mass influx. The Ministry of Labour has a nation-wide contingency plan, the regional Employment and Economic Development Centres (Työvoima- ja elinkeinokeskus or TE-keskus) have a plan for their own region, and every reception centre has a local plan. The aim of the Ministry of Labour is that reception centres have a flexible amount of places that can be increased at short notice.

The Ministry of Labour seeks to have preparedness for emergency accommodation for 100.000 persons in cases of mass influx, and presently, some 50.000 places are identified.

- Q.25. Accommodation centres (important note: all the following questions are about open and not closed centres where asylum seekers are detained which are covered by another question)**

- A Are there different categories of accommodation centres, for instance depending of the stage of the procedure (admissibility and eligibility)?**

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<sup>9</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

<sup>10</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

There are basically two different types of reception centres. Centres located near major ports of entry and/or near the offices of the Directorate of Immigration, which interviews asylum-seekers and takes the first-instance decisions, are designated as transfer centres, where asylum seekers may stay for the initial part of the procedure. This would usually cover the police interview concerning identity and travel route, and also sometimes the asylum interview carried out by the Directorate of Immigration.

- B. Is there a legal time limit for accommodation in a centre after which the asylum seekers have access to private houses or apartments or is this limit linked to a stage of the asylum procedure?**

There is no general rule concerning access to private houses or apartments. This possibility is subject to availability in the municipality of the reception centre. Access to apartments has been available mainly in the reception centres in Vaasa and Oravainen.

- B. Is there a general regulation about the internal functioning of those centres and the rights and duties of the asylum seekers? If yes, is this general regulation applicable to public and private centres? If not, are the centres supposed to adopt an internal regulation and does a central authority have or not a kind of control about its content?**

All reception centres have rules, which are based upon a template developed by the Ministry of Labour. All asylum seekers receive these rules in writing when they are registered in a reception centre.

- C. Do the regulations foresee the possibility of sanctions against asylum seekers in case of breach of the rules? (see article 16, §3) If yes, which sanctions for which rules? Which is the competent authority to decide? How is it ensured that decisions are taken individually, objectively and in particular impartially (for instance through an independent arbitrator) as requested by §4 of article 21 which is mandatory provision? Which are the possibilities of appealing against those decisions if the system is different from the general one under question n°22? Are there already administrative appeal decisions or judgements which have been taken and if yes, which are the main important ones? <sup>11</sup>**

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<sup>11</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

There is a possibility for sanctions, namely the reduction of the social assistance, but this can only take place in the situation of neglect of participation in work/activity programmes..

- D. Are asylum seekers involved in the management of these centres? If yes, how (advisory board, appointment or election of representatives)? (see article 14, §6 which is an option provision)**

There is no general rule concerning the involvement of asylum seekers in the management of the centres. However, in many reception centres, there are regular meetings between the staffs and the residents.

- E. Do specific rules exist on work of asylum seekers inside the accommodation centres different from the general ones about employment (see below)? If yes, which ones? Can working inside accommodation centres be considered as a (mandatory) contribution of the asylum seekers to the management of the centres, is it or not paid and considered as implying access to the labour market and subject to the same rules?**

Yes. Asylum seekers generally are obliged to participate in educational and working programmes in the reception centres, which vary considerably in content and subject matters. Elementary language courses, workshops, computer workshops and various maintenance duties in the reception centres usually form the core of the programmes. One reception centre reported having 4 hours of mandatory work or physical activities per week, and 6 hours of language and other courses per week.

- Q.26. A. How can asylum seekers communicate with legal advisers, representatives of UNHCR and NGOs? (see article 14, §2, (b) which is a mandatory provision).**

Legal advisers have free access to reception centres, and in the system currently in place, the Refugee Advice Centre, an NGO, has the main responsibility to provide asylum-seekers with legal advice and assistance. However, the system for legal assistance for asylum seekers is in flux at the moment. Since 1991, the Refugee Advice Centre has been providing legal assistance to asylum-seekers on a contract basis with the Ministry of Labour. In 2004, the Ministry placed out a call for tenders for the legal services, but the process has been delayed, and presently, the Refugee Advice Centre is taking care of legal advice and assistance on the basis of hourly billing.

Asylum seekers are allowed to travel to meet their legal adviser, and lawyers also visit reception centres.

- B. What are the rules about access of legal advisers, UNHCR and NGOs regarding access to accommodation centres and other housing facilities (see article 14, §7 which is a mandatory provision)**

Most reception centres have a system of visitors announcing themselves, and this would also mean that legal advisers or NGOs would report their arrival to the staff. Otherwise, access of legal advisers UNHCR or NGOs would not be limited.

- C. Can the access of legal advisers, UNHCR and NGOs be limited for security reasons or any other reason (see article 14, §7, last sentence)?**

According to reception centres, it is difficult to foresee a situation where a legal adviser or UNCHR could be limited. For instance concerning religious communities, their entry to public areas or residents' rooms is subject to the residents' own wishes.

**Q.27.**

- A. Is a medical screening organised by the receiving State, is it mandatory or voluntary? Does it include HIV tests? (see article 9 which is an optional provision)**

Yes, a medical screening is organized, and it includes an interview with a nurse, HIV testing and tests for some other contagious diseases, namely tuberculosis and hepatitis. The medical screening is voluntary, unless special national health concerns would warrant testing.

- B. Do the legal provisions on reception conditions ensure that asylum seekers receive at least emergency care and essential treatment of illness as requested by article 15 §1 which is a mandatory provision? Do they have a further access to health care?**

Asylum seekers are entitled to emergency care and essential treatment of illness according to Section 19 of the Act on Integration and Section 19.1 of the Constitution. The constitutional clause creates a constitutional right to necessary care. The wording

of the Act on Integration is that necessary health care shall be organized as part of the reception conditions. The exact content of the necessary health care is in part determined on a case-by-case basis, but always includes a health screening, emergency care including acute surgery, maternal health care, deliveries, and infant health care including inoculations.

- C. **What is the practice regarding access of asylum seekers to health care and how is it organised? In particular, what is the situation in accommodation centres (are doctors coming to the centres or do asylum seekers go to doctors outside)?<sup>12</sup>**

The usual way of organising health care is that there is 1-2 nurses employed by the reception centres, and a doctor is hired on a consultation basis and comes in to examine patients at regular intervals. In emergency situations and sudden illness, asylum-seekers are entitled to use the emergency rooms of local health care stations or hospitals.

- Q.28. A. **What is the length of the period determined by the concerned Member State during which asylum seekers have no access to the labour market? (see article 11 which is a mandatory provision)**

3 months after lodging of the asylum claim.

- B. **After that period, are asylum seekers or not obliged to obtain a work permit? In case is there a limit for the administration to deliver the permits and how quick are they delivered? What is their length?**

According to the Aliens' Act, section 81, subsection 1, point 5, persons who have sought international protection in Finland have the right to work after 3 months' stay in Finland. This right to work is valid until the asylum seeker has reached a final decision for his application. No specific decision concerning the right to work is issued.

- C. **After that period, what are the conditions for access of the asylum seekers to the labour market? (in particular, are there rules concerning the maximum allowed of working hours or days per week, month or year, limits in terms of type of work or of professions authorised?**

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<sup>12</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

Asylum seekers are subject to the normal limitations in labour law eg. on working hours, regulations concerning overtime, etc. The general limitations for professions where a particular examination or competency is required, eg. particularly in the field of social welfare and health care, are also applicable to asylum-seekers.

- D. What are the rules in terms of priorities between asylum seekers on the one hand and nationals, EU or EEE citizens and legally third-country nationals on the other?**

Asylum seekers are not subject to any prioritisation.

- E. Do asylum seekers have access to vocational training, does this or not depend of their right to access to the labour market, and in case at which conditions? (see article 12 which is optional regarding §1 and mandatory regarding § 2)**

Asylum seekers may have access to vocational training, but there is local variation, and access is dependant upon the discretion of the school.

- F. Are the rules regarding access to the labour market adopted to transpose the directive more or less generous than the ones applicable previously?**

They are the same as before.

- Q.29. Are reception conditions subject to the fact that asylum seekers do not have sufficient resources? Are asylum seekers requested to contribute to reception conditions when they have personal resources (for instance if they work) or to refund the authorities if it appears that they have resources? (see article 13 §§ 3 and 4 which are optional provisions)**

All asylum-seekers are entitled to the services included in the reception conditions, but the social assistance is based on needs assessment. Decree 389/2005 also provides for the possibility to charge an asylum-seeker who is not in need of social assistance a fee for housing of a maximum of 5 euros/day, and 0,70 euros/day for other reception conditions.

## **7. SPECIAL NEEDS OF PARTICULAR CATEGORIES OF ASYLUM SEEKERS**

- Q.30. A. Which of the different categories of persons with special needs considered in the directive are taken into account in the national legislation (see article 17, §1 which is a mandatory provision): disabled people, elderly people, pregnant women, single parents with minor children, persons who have been tortured, raped or victims of serious physical or psychological violence? Include in your answer all other categories envisaged in national law.**

According to section 19, subsection 3 of the Integration Act, special needs on account of age, a vulnerable situation, the physical or mental condition of the asylum seeker shall be taken into account in the housing and other provision of reception conditions. In practical terms, this would mean that the situation of single caretakers, pregnant women, families, disabled persons, and victims of torture and ill-treatment would be taken specially into account.

For reception of unaccompanied minors, there are special provisions and procedures (see below).

- B. How is their specific situation taken into account (see articles 13, §2, second indent, 16 §4 second sentence and 17 which are mandatory provisions)?**

For vulnerable groups, special care would be taken eg. in providing suitable housing for disabled persons or pregnant women, providing mental health care services to victims of torture, and also some special services eg. for disabled persons.

- C. How and when are the special needs of the concerned persons supposed to be legally identified (see article 17 § 2 which is a mandatory provision and clarify how it has been interpreted by transposition)?**

The individual determination of special needs is done in the initial interview carried out by a social worker in the reception centre, and in the health screening.

- D. Is the necessary medical and other assistance provided to persons with special needs as requested by article 15, §2 which**

**is a mandatory provision and in particular to victims of torture and violence as requested by article 20 which is a mandatory provision?**

There is a Centre for the rehabilitation of torture victims (Kidutettujen kuntoutuskeskus), which has clinics in Helsinki and Oulu, which provides therapy and rehabilitation also for asylum-seekers who are victims of torture. These centres are funded mainly through the income from the national gambling association (Raha-automaattiyhdistys), which has a gambling monopoly in Finland, and the proceeds of which are managed by the Ministry of Social Welfare and Health. The proceeds are distributed by decision of the Government. It is, hence, funding totally in the control of the Government, and is provided to a large number of organisations in the field of social welfare and health. Asylum-seekers can and are referred to this centre by reception centre nurses or doctors, but due to limits in capacity, waiting periods can be long.

In many cases, victims of torture will be referred to local mental health care services, the availability of which, however, varies in different parts of the country. In some cases, asylum-seekers may also be referred to private psychiatrists or therapists.

Concerning other categories of asylum-seekers with special needs, necessary medical and other assistance, on the basis of an assessment of the acute situation, is provided. However, the issue of what is necessary health care is to a large extent made as a medical assessment by the medical staff (nurses, doctors) at the reception centres, and no detailed guidelines in this respect exist. Concerning pregnant women, access to health care, also preventive maternity care, is on an equal basis as for women residing in Finland. Similarly, natal and postnatal care for women and for their children is given equally as to residents.

For other categories, eg. elderly persons and persons with disabilities or chronic diseases, placement in reception centres is carried out so as to allow for necessary treatment and care. However, more longterm rehabilitation will often not be available.

**Q.31.**

**About minors:**

**A. Till which age are asylum seekers considered to be minor?**

Until they turn 18 years.

**B. How is access of minor asylum seekers to the education system ensured? Is it at school or in case inside accommodation**

**centres and can it be considered as similar to the conditions for nationals as requested by article 10, §1?**

Asylum seeker children in principle have access to education on the same basis as nationals. Access to free primary education (9 years) is granted in the Constitution, section 16, subsection 1. However, there have in the past been some problems relating to the access to education. The legislation is unclear on this point, since according to the Act on Primary Education (perusopetuslaki, 21.8.1998/628), Section 4, municipalities are under the obligation to provide primary education to children who are of the age for which attending schooling is compulsory, *residing* in the municipality. This would normally mean persons who have residence in a municipality based on a residence permit of at least one year.

Further, in Section 25 of the Act on Primary Education it is stipulated that:

1. Children permanently residing in Finland shall attend compulsory schooling. Compulsory schooling shall start in the year during which the child turns seven. Compulsory schooling shall end when the basic education syllabus has been completed or ten years after the beginning of compulsory schooling.
2. If, owing to the child's disability or illness, the objectives set for basic education cannot be achieved in nine years, compulsory schooling shall begin one year earlier than provided in subsection 1 and be 11 years in duration.

Since asylum-seeker children are not considered to be residing permanently in a municipality, they are not either considered to fall under the obligation of compulsory attendance in schooling, and therefore, the municipality's obligation to provide schooling is not clear in the law. Nor is there a clearly stipulated time in the law for when asylum-seeker children's schooling should begin, as stipulated in Article 10(1) of the Directive.

However, in practice and in most cases, asylum seeker children have access to municipal primary schools. In most cases, asylum seeker children also continue their education in secondary education, although the unclear legislative situation also pertains to them.

- C. **Is access to education ensured not later than 3 months as requested by article 10, §2 (or after maximum one year if specific education for asylum seekers is provided) and till an expulsion decision is really enforced?**

Yes, in practice in most cases, although there is not clear time limit in the law for when schooling of asylum-seeker children should begin. However, in detention, there is no access to education, so if a child were to be detained for more than three months, this would raise a problem with respect to Article 10 § 2.

The issue of school for asylum-seeker children has been raised by the Ombudsman on Minorities with the European Commission.

- D. **Is specific education (like language classes) available for asylum seekers, in particular to facilitate their effective access to the education system of the reception Member State (see article 10, §2 which is an optional provision)?**

Children with immigrant backgrounds are usually placed in special preparatory groups when they start in Finnish schools, where they receive intense language training, and tutelage partly in their own language. Children are then moved as quickly as possible to normal classes.

- E. **Are minors in general accommodated with their parents or with the person responsible of them? (see article 14, § 3)**

Yes.

- F. **Do minors with special needs enumerated by article 18, §2 which is a mandatory provision, have access to appropriate mental health care and qualified counselling?**

Reception centres seek to refer children with special needs appropriate mental health care and qualified counselling. Mental health care services for children in Finland are scarce in many parts of the country, so access may be limited. The Integration Act , section 19, subsection 3, also clearly places an obligation to

identify and address the mental health care needs of asylum seeker children

**G. How and when is organised the representation of unaccompanied minors (guardianship, special organisation) and regularly assessed? (see article 19, §1 which is a mandatory provision)**

When an unaccompanied minor applies for asylum, s/he is directed to a special reception unit, a group home, for unaccompanied minors. The reception unit initiates a process with the local court for the appointment of a representative in accordance with sections 26-27 of the Integration Act, and the decision is usually taken by the court in a matter of weeks. No police hearings or interviews shall take place before a representative has been appointed.

There has, however, been instances when asylum seeker children travelling eg. with their grandparents and whose applications have been processed in accelerated procedures have been heard by the police before the appointment of a representative.

**H. How is placement of unaccompanied minors organised (with adult relatives, a foster family, in special accommodation centres or other suitable accommodation)? (see article 19, §2 which is mandatory provision)**

As a rule, unaccompanied minors are placed in special accommodation centres, group homes, which usually function as parts of some other reception centre, although usually physically separated. According to the Ministry of Labour Decree 389/2004, the provisions in the Child Welfare Decree 583/1983, section 8, concerning the size of groups and the number of staff in child care units.

Section 8 of the Child Welfare Decree states that a child care unit may at the most house 8 children, and that in a group of buildings, no more than 24 children may be housed. For every unit, there should be a sufficient number of staff, but no less than 5 persons.

**I. How is the tracing of the family members of the unaccompanied minors organised? Are measures taken to protect confidentiality of information when necessary? (see article 19, §3 which is a mandatory provision)**

Tracing of family members is carried out on a voluntary basis, when the asylum seeker and her representative express a will for

tracing to be carried out. Tracing would usually be done through the Red Cross.

There is legislation now pending on the basis of Government Bill 31/2006 in Parliament, which also concerns tracing. On the basis of the Bill, the Directorate of Immigration would be given the obligation to trace family members of unaccompanied children. Tracing would take place in all cases, regardless of the asylum seeker child's own wishes.

## **8. EXCEPTIONAL MODALITIES OF RECEPTION CONDITIONS**

**Q.32.** **Apart from detention covered by the next question, are there exceptional modalities for reception conditions in the following cases and if yes, which ones and for how long are they applicable, knowing that they should be "as short as possible" (see article 14, §8)?**

**A. Persons with specific or special needs, regarding in particular the period of assessment of those needs?**

Generally, unless there is a need for hospital care, housing would still be in the reception centres.

**B. Non availability of reception conditions in certain areas**

Temporarily, asylum-seekers would probably be placed for a night in a hostel or hotel, but if an asylum-application is lodged in a place where there is no reception centre, s/he would normally be transferred to a reception centre immediately.

**C. Temporarily exhaustion of normal housing capacities**

Each reception has contingency plans which allow for fairly flexible and rapid enlargement of the reception capacity.

**D. The asylum seeker is confined to a border post**

If an asylum-seeker is confined to a border post, this would entail that a detention decision has to be made. For a limited period of time, detainees may be held in police arrest premises.

**E. All other cases not mentioned in the directive (for instance urgent situation in case of a sudden high number of applicants outside a case of application of the directive on temporary protection).**

In situations of mass influx, organising centres would be opened, where reception conditions could be provided in kind for a limited period of time.

**Q.33. Detention of asylum seekers (we do not cover the situation of rejected asylum seekers detained for the purpose of their return) (see articles 6 §2, 7 §3, 13, §2 2<sup>nd</sup> indent and 14 §8 which implies that the directive is in principle applicable in case of detention):**

**A. In which cases or circumstances and for which reasons<sup>13</sup> (identity verification in particular if the persons have no or false documents, protection of public order or national security, refugee status determination, way of entry into the territory, etc) can an asylum seeker be detained during the asylum procedure till his request has been finally rejected. Quote precisely in English in your answer the legal basis for detention of asylum seekers in national law.**

According to section 121 of the Aliens' Act, an alien may be ordered to be held in detention if:

- 1) taking account of the alien's personal and other circumstances, there are reasonable grounds to believe that the alien will prevent or considerably hinder the issue of a decision concerning him or her or the enforcement of a decision on removing him or her from the country by hiding or in some other way;
- 2) holding an alien in detention is necessary for establishing his or her identity; or
- 3) taking account of the alien's personal and other circumstances, there are reasonable grounds to believe that he or she will commit an offence in Finland.

Holding an alien in detention on grounds that his or her identity is unclear requires that the alien gave unreliable information when the matter was processed or refused to give the required information, or that it otherwise appears that his or her identity cannot be considered established.

This list of criteria for detention is an exhaustive list. Hence, an asylum-seeker may not be detained solely on the ground that s/he is an asylum-seeker. Article 18 § 1 can therefore, on the basis of the law, be said to be respected.

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<sup>13</sup> Please specify it article 18 §1 of the directive on asylum procedures of 1 December 2005 which specifies that “*Member States shall not hold a person in detention for the sole reason that he/she is an applicant for asylum*” is or not respected (even if has not yet to be transposed).

**B. Has your member State adopted measures to transpose §3 of article 7 which is an optional provision? If yes, how has this provision been legally understood (is it a case of detention or an obligation to stay in and not leave a certain place?) and for which reasons can an asylum seeker be “confined” in such a place?**

No.

**C. Are there legally alternatives to detention, like obligation to report to the authorities, obligation to stay in a place, provision of a guarantor or of a financial guarantee?**

There are legal alternatives in the Aliens’ Act.

According to section 118, an alien may be required to report regularly to the police or the border guards.

Section 119 enables the police or border guards to seize the travel documents of an asylum-seeker for the duration of the asylum procedure. This is done regularly.

Section 120 includes the possibility for placing a financial guarantee.

**D. Which is the competent authority to order the detention of an asylum seeker? Explain if different authorities are involved to first take and later confirm the decision.**

The initial decision on detention is taken by a senior police officer (Aliens’ Act, section 125). The local court is to be informed within 24 hours of the detention. Within 4 days from the detention decision, the asylum-seeker must be brought before a Court for a hearing on the continuation of detention.

Detention must be dealt with again by the local court every 14 days.

**E. For how long and till which stage of the asylum procedure can an asylum seeker be detained?**

There is no maximum period for detention in the law. In principle, detention could be prolonged for the duration of the asylum procedure, but this would only happen exceptionally in some admissibility cases or cases dealt with under accelerated procedures. However, the Aliens’ Act, sections 127-128 contain

provisions concerning the release of detained aliens, stating that a detained alien shall be released immediately when the conditions for detention stipulated in Article 121 of the Aliens Act cease to exist:

*Section 127 – Releasing detained aliens*

(1) The authorities handling the matter shall order a detained alien to be released immediately once the requirements for detention cease to exist.

(2) If the District Court has decided that the detention of the alien be continued, the authorities shall immediately notify the District Court of the place of detention of the alien's release. The notification may be made by telephone or electronically. A notification made by telephone shall be submitted without delay to the District Court in writing.

*Section 128 - Rehearing at a District Court*

If the release of an alien who has been held in detention has not been ordered, the District Court of the place of detention shall, on its own initiative, always rehear the matter concerning the detention or exceptional placement of an alien referred to in section 123 (3) no later than two weeks after the decision under which the District Court ordered continuation of the detention of the alien at the facility concerned.

**F. In which places (can we call them “closed centres”?) are asylum seekers detained (places in a special closed centres reserved only to asylum seekers, together with returnees like illegal aliens or even in a normal prison, in case within separated areas or with the other detainees)? Indicate if a difference has to be made following the location of the “closed centres” at the border or on the territory? Which is the authority managing those places and is it the same as the one in charge of reception conditions?**

There is one closed reception centre, or detention centre, in Finland, placed in Helsinki. Both detained asylum seekers and other detained aliens are detained in the same facility. The Act on the treatment of detained aliens and on detention facilities (Detention Act) 116/2002, regulates the treatment of detained aliens, including asylum seekers. According to the Aliens' Act, section 123, subsection 2, detained asylum seekers shall as quickly as possible be transferred to a detention centre. There are 34 places in the detention centre, and if that was reached other detained asylum seekers would be placed in prisons.

**G. Does UNHCR and NGOs have access to the places of detention and under which conditions?**

Yes. According to the Detention Act, section 6, a detained alien is allowed to be in contact with his receiver in Finland, his close relative or other person near to him, the diplomatic or consular mission of his country of origin, the authority supervising the functioning of the detention centre, the Ombudsman for Minorities, a public legal adviser, an attorney or other person who has a legal degree, who is providing legal assistance to the alien, the supervisory bodies for human rights treaties, and the United Nations High Commissioner for refugees or the representative of UNHCR, and to NGOs, who give professional legal assistance and advice to asylum seekers, refugees and other aliens.

These contacts may not be supervised or limited. Visits by relatives or other private persons may be subject to security controls.

**H. What appeal(s) can asylum seekers introduce against the fact he is detained? Is article 18 of the directive on asylum procedures of 1 December 2005 following which “Where an applicant for asylum is held in detention, Member States shall ensure that there is a possibility of speedy judicial review” respected (even if it has not yet to be transposed)?**

The asylum seeker has the right to a judicial review of the detention decision every 14 days. The review is carried out by the local civil Court (Aliens Act, section 128).

- I. Is the directive on reception conditions considered to be in principle applicable to the places where asylum seekers are detained? In particular which information do they receive about their rights, which access do they have to legal advice and health care?**

According to the Detention Act section 1, the provisions of the Integration Act are applicable in principle. However, in the detention centre, asylum seekers receive the reception conditions in kind, eg. the food is prepared and served.

- J. Apart from freedom of movement, what are the main differences between normal reception conditions and exceptional modalities for reception conditions in case of detention, knowing that they should be “as short as possible” (see article 14, §8)? If it is about closed centres, are the regulations of those places in line with the requirements of the directive (is article 13, §2, second indent of the directive following which “*Member States shall ensure that standards of living is met (...) in relation to the situation of persons who are in detention*” respected?).**

Reception conditions are in principle the same as for normal reception conditions. However, the social assistance is given in kind, including prepared meals and asylum seekers are only given pocket money, 2 euros/day. Social counselling and emergency health care is organised. Work and activity programmes are not organised in the detention centre.

- K. Are measures taken to avoid detention of asylum seekers with special needs (if yes, which ones?) or are special measures taken because of their needs?**

According to the Detention Act section 11, para. 2, the special needs of minors or victims of torture, rape or other physical or sexual violence or otherwise of persons in a more vulnerable situation, shall be taken into account when organising the care of them.

- L. Can minor asylum seekers be detained together with relatives? Can unaccompanied minor asylum seekers be detained? If yes, are there special measures which take into account that children are concerned?**

Yes, children can be detained, both with their relatives and if they are unaccompanied. Before they are detained, a representative of the social authorities must be heard. The place of detention is the same closed reception centre also for unaccompanied children. There are no separate or designated areas for unaccompanied children or families in the closed reception centre/detention centre.

**M. In particular is article 10 regarding access to education of minors respected in those places?**

Education is not provided in the detention centre. The longest detention periods have been three months during the present legislation.

**N. How many asylum seekers are for the moment detained in your Member State? Which proportion does this represent in comparison of the total number of asylum seekers at the same moment?**

At the moment, there are 32 persons detained (6 June 2006). At the same time, there were 2180 persons registered as asylum-seekers, out of which 654 were living in private accommodation (N.B. that the latter figures also contains persons having received temporary residence permits (not temporary protection), and amount perhaps to 200).

**9. ORGANISATION OF THE SYSTEM OF RECEPTION CONDITIONS**

Q.34. Explain if the system of providing reception conditions is centralised or decentralised (which levels of government do provide practically reception conditions?) (do not confuse this question with question number 3 about the competence to make rules about reception conditions).

The system is decentralised.

Q.35. In case, are accommodation centres public or/and private (managed by NGOs? If yes, are the NGOs financially supported by the State?)<sup>14</sup>

The reception centres are maintained on the basis of contracts, which also provide for full payment of the maintenance of the services. The contracting parties are the regional Labour and Enterprising Centres (Työ- ja elinkeinoelämän keskus; TE-keskus) which are the regional centres of the labour market authorities, and the entity maintaining the reception centre.

In principle, it is possible for any entity deemed appropriate to maintain a reception centre, given that the contents of reception conditions can be adequately provided.

Q.36. In case, how many accommodation centres are there in your Member State (distinguish in your answer between public and private centres)?<sup>15</sup>

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<sup>14</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

<sup>15</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

There are fifteen reception centres: 2 state-run centres, 2 run by the Finnish Red Cross, and 11 run by municipalities.

- Q.37. Is there in the legislation a plan or are there rules in order to spread the asylum seekers all over the territory of your Member State to avoid their concentration in some areas like big cities or to share the costs of their reception between central, regional and local authorities?

There is no legal norm concerning dispersal. However, there is a general policy of dispersal, mainly governed by the wish to disperse asylum seekers in order to find them accommodation more easily if they are allowed to stay. This is judged to be easier if not all asylum-seekers are concentrated to the larger cities. All the costs of the reception are basically covered from State budget means.

- Q.38. Does a central body representing all the actors (like NGOs) involved in reception conditions exist? Does it play a consultative role for the State authorities, a coordination role for the actors or any other role?<sup>16</sup>

There is a consultative body, the Advisory Board on Integration and Reception of Asylum Seekers (Kotouttamisen ja turvapaikanhakijoiden vastaanoton neuvottelukunta), which works in connection with the Ministry of Labour, and whose mandate and working modalities are drawn up in the Integration Regulation (vastaanottoasetus).

- Q.39. **A. Which is the body in charge of guidance, monitoring and controlling the system of reception conditions as requested by article 23 which is mandatory provision? Include in your answer which is the competent ministry (Interior, Social affairs, etc) for reception conditions?**

The competent ministry for the system of reception conditions is the Ministry of Labour. In addition, the Ministry of Education (opetusministeriö) and the Central Board of Education oversees all educational matters. The Ministry of Social Welfare and Health is the ministry competent in issues on social welfare, social services and healthcare.

Regionally, the oversight is in the hands of the Employment and Economic Development Centres (Työvoima- ja elinkeinokeskus or TE-keskus). Has your Member State (like the Czech Republic did recently) approved quality standards (not necessary legally binding) for housing services (for instance about the number of persons per bedroom on the basis of its size, number of accessible toilets, bathrooms, showers and washing machines per number of persons, existence of common rooms with radio, television, newspapers, books, computers, accessibility of

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<sup>16</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

telephone, existence of recreative rooms for children,...) to be respected in particular in accommodation centres?<sup>17</sup>

The standards accepted for the reception centres are drawn up in the contracts with the maintainer of a reception centre, although detailed criteria are not written into the contracts. There has been work ongoing concerning the quality of reception conditions, and a handbook on quality work in reception centres has now been published.

**B. How is this system of guidance, control and monitoring of reception conditions organised?<sup>18</sup>**

The regional Employment and Economic Development Centres (Työvoima- ja elinkeinokeskus or TE-keskus) draw up the contacts with the reception centres and also regionally have the responsibility for guiding, controlling and monitoring their reception conditions. When it comes to the social assistance, the responsibility is with the municipal social authorities to monitor, and for the Administrative Courts to act as appellate bodies. On the central level, the Ministry of Labour is responsible for guidance, control and monitoring. On education, it is the local boards of education who are responsible for the monitoring of the quality and resources of the schools, which are almost solely run by municipalities in Finland.

**C. Does the body in charge of guidance, control and monitoring produce reports about the level of reception conditions? If yes, how frequently and are they public?<sup>19</sup>**

Yes, the Employment and Economic Development Centres and the Ministry of Labour produce annual reports, which also cover the reception conditions.

**Q.40. A. What is the total number of asylum seekers covered by reception conditions for the last year for which figures are available (see article 22 obliging Member States to calculate those statistics about which we also asked the Commission to require them from Member States for mid June)?**

2005: Altogether 6375 persons were covered by reception conditions, out of which 3574 came during 2005, and 2801 were arrivals from earlier years.

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<sup>17</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

<sup>18</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

<sup>19</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

- B. What is the total budget of reception conditions in euro for the last year for which figures are available?<sup>20</sup>

The total figure in 2005 was 34.362.355 euros.

- C. What is the average cost of reception conditions in euro per asylum seeker for the last year for which figures are available?<sup>21</sup>

The average cost in 2005 per place in a reception centre was 14.124/place/year, and in the reception units for unaccompanied minors, 39.650 euros/place/year.

- D. Are the costs of reception conditions of asylum seekers supported by the central/federal or federated government or are they shared with regional and/or local authorities?

The costs of the reception conditions are covered by the Government, on the basis of Decree 512/1999 ( Valtioneuvoston päätös pakolaisten ja turvapaikanhakijoiden vastaanotosta aiheutuvien kustannusten korvaamisesta) as amended by Decree 1108/1999, 940/2001, 196/2002, 664/2004, 373/2005

- E. **Is article 24 § 2 of the directive following which “*Member States shall allocate the necessary resources in connection with the nationals provisions enacted to implement this directive*” respected?**<sup>22</sup>  
Yes, the provision is respected.

- Q.41. A. What is the total number of persons working for reception conditions?<sup>23</sup>

There are roughly 300 persons. Usually one reception centre has a staff of about 12 persons, whereas the reception units for unaccompanied children have a staff around 20 persons.

- B. **How is the training of persons working in accommodation centres organised? Does it take into account specific needs of unaccompanied minors when relevant as well as the gender dimension? (see article 14 §5, 19 § 4 and also 24 §1 which are mandatory provisions)?**<sup>24</sup>

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<sup>20</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

<sup>21</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

<sup>22</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

<sup>23</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

<sup>24</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

Training of staff is primarily organised as in-house training. Important parts of the staff, particularly the health care staff and social workers, have special professional training requirements.

- C. Are there rules about the deontology of persons working in accommodation centres, in particular on confidentiality?<sup>25</sup>

The Integration Act, sections 41-43, deals with the possibilities for the staff of reception centres to receive information from other authorities about asylum seekers, about the possibility to provide information to other authorities (police, border guard, Directorate of Immigration) from the register of residents, and about the general rules of confidentiality of the staff. In addition, the health care and social staff are covered by confidentiality rules of their own professions. A Bill pending in Parliament (see Q 31.I , above), would greatly compromise the confidentiality in order to facilitate the tracing of the families of unaccompanied minors.

## **10. IMPACT OF THE DIRECTIVE**

### Legal impact of the transposition of the directive:

- Q.42. Specify if there are or not big problems with the translation of the directive in the official language of your Member State and give in case a list of the worst examples of provisions which have been badly translated? (please note that this question has in particular been added to the questionnaire concerning the new Member States)

No.

- Q.43. Where there precise legal rules on reception conditions for asylum seekers before the adoption of the norms of transposition of the directive (if yes, specify what the nature of those rules was (legislation, regulation, administrative instructions,...)?

Yes, there were. The Integration Act has been in force since 1998. With the Directive, some of the rules were specified more.

- Q.44. Did the legal rules applicable to reception conditions become more clear, precise, coherent or detailed with the adoption of the transposition norms (for instance do you now have after the transposition one basic text dealing with reception conditions instead of numerous different texts in the past?

To some extent, rules became clearer and more detailed.

- Q.45. Did the transposition of the directive imply important changes in national law or were the changes of minor importance? In case, list the most important changes that have been introduced.

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<sup>25</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

The basic principles of reception have remained the same. However, the contents of reception conditions and provisions concerning information to asylum seekers were made more clear. Rules concerning charging for reception conditions were also included.

Political impact of the transposition of the directive:

Q.46. Explain briefly if there has been an important debate about the transposition of the directive (in particular in the Parliament, but possibly also in the government, between political parties, including in medias, etc; underline in case the main points which have been discussed or have created difficulties)

During the debate on the amendments to the Integration Act, there was debate in Parliament in certain Committees, and some critical issues were brought up such as the education of asylum-seeker children.

Unrelated to the transposition of the directive, there is an ongoing argument as to whether the responsibility for reception conditions should be transferred to the Directorate of Immigration, the central authority competent concerning the asylum procedure.

The issue of confidentiality of information obtained from asylum seekers by staff in reception centres is also at the centre of Bill (31/2006) pending in Parliament. The Bill would make amendments to the Aliens ' Act, obliging reception centre staff to provide information deemed relevant concerning unaccompanied minors seeking asylum to the decision-making authority the Directorate of Immigration (see above, Q 31.I).

Q.47. **Did the transposition of the directive contribute to make the internal rules stricter or more generous? In particular, did your Member State use the occasion of the transposition to abolish more favourable provisions of national law? Does your Member State still have rules more favourable than the provisions of the directive (if yes, try to give the more important examples).**

There was no particular thrust to make reception conditions less favourable than previously. On the whole, the Finnish reception conditions are closely in line with the Directive.

**11. ANY OTHER INTERESTING ELEMENT**

Q.48. What are in your view the weaknesses and strengths of the system of reception conditions in your Member State?<sup>26</sup>

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<sup>26</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

The main **weakness** of the system is that it is designed for shorter residence, and asylum seekers may sometimes reside in reception centres for up to 3-4 years. This is passivating and difficult.

Housing conditions are also fairly uneven, ranging from own rental apartments to dormitory-like residence with several residents in a room.

Access to mental health care services is uneven.

A major **strength** is that the reception conditions are closely grounded in the Constitution and general legislation on health care, education and social assistance, and reception centres usually work at good professional level. It is also a strength that municipal schools are accessible to asylum seeker children, and the size of the reception centres is fairly manageable, usually 50-150 places.

The system for the reception of unaccompanied minors has been developed significantly over the last year. However, the **weakness** of the reception of unaccompanied children is the lack of a uniform, special training system for the representatives of the children.

Q.49. Mention any good practice in your Member State which could be promoted in other Member States<sup>27</sup>

- Access to labour market after 3 months.
- Equal access to maternity and infant health care services as for residents.
- Access to municipal schools for children
- There is also an ESF/Equal project involving asylum seekers, Becoming More Visible (<http://www.becomingmorevisible.net/www/english/>). The Becoming More Visible Project's goals are to create new possibilities for work and study for asylum seekers in Finland. Cooperative models have been set up between the Reception Centres and adult education facilities, organisations, and businesses. These models can be adapted to rural or urban locations throughout Europe.

The reception centers of Vaasa, Kajaani, Tampere and Turku form the partnership with the Finnish Association of Adult Education Centres. The project is administrated by Red Cross Finland, Southwest District.

The BMV- Project is a partner in the [ASAP](#) - Asylum Seekers' Active Partnership, with ATLAS from Scotland, INTEGRA 2004

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<sup>27</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

from Italy, IN CORPORE from Lithuania, InPower from Austria and MUR from Poland.

Q.50. Please add here any other interesting element about reception conditions in your Member State which you did not had the occasion to mention in your previous answers.